

California State Archives
State Government Oral History Program

Oral History Interview

with

LEROY C. HARDY

Consultant on Reapportionment
California Assembly, 1960-1961

Consultant on Reapportionment to Governor, 1964-1965

Consultant on Reapportionment
California Democratic Congressional delegation,
1965-1967, 1967-1969, 1979-1982

April 20, May 4, June 6, and August 10, 1989
Long Beach, California

By Raphael J. Sonenshein
California State University, Fullerton

A HISTORY OF REAPPORTIONMENT IN CALIFORNIA

RESTRICTIONS ON THIS INTERVIEW

None

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PREFACE

On September 25, 1985, Governor George Deukmejian signed into law A.B. 2104 (Chapter 965 of the Statutes of 1985). This legislation established, under the administration of the California State Archives, a State Government Oral History Program "to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history."

Oral histories undertaken for the state program offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy process of the state of California. They include members of the legislative and executive branches of the state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.

Participating as cooperating institutions in the State Government
Oral History Program are:

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History Department
California State University, Fullerton

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California State University, Sacramento

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Claremont Graduate School

Regional Oral History Office
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Oral History Program
University of California, Los Angeles

The establishment of the California State Archives State Government Oral History Project marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding in an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

For a more detailed description of the model, see the Appendix. The model is estimated by nonlinear least squares (NLS) using the following functional form:

$\text{int}(x) = \lfloor x \rfloor$ (integer part of x)
 $\text{frac}(x) = x - \text{int}(x)$ (fractional part of x)
 $\text{mod}(x, y) = x - y \cdot \text{int}(x/y)$ (remainder of x divided by y)

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merged to form a new
 location, inside the boundary

and "cultural" to the right
 of the word "American" and
 "cultural" to the right of the word "all".

1. The first step is to identify the key components of the system.

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan of action. This involves identifying the steps that need to be taken to solve the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the solution. Once the problem has been solved, the final step is to evaluate the results and determine if the solution was effective. This involves comparing the results of the solution to the original problem and determining if the problem has been resolved.

1991年12月12日

1991, 2000.

Received 12 May 1997; accepted 12 May 1997

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INTERVIEW HISTORY

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California State University, Fullerton
B.A., Princeton University, 1971
M.A., Yale University, Political Science, 1979
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Interview Time and Place

April 20, May 4, June 6, and August 10, 1989
Professor Leroy Hardy's home, 1800 Fanwood Avenue, Long Beach,
California 90815-4511. Four sessions totaled approximately nine
hours, thirty minutes.

Editing

The interviewer/editor reviewed the transcripts which were audited
and edited by Shirley E. Stephenson.

On September 24, 1990 the edited transcripts were forwarded to
Professor Leroy Hardy who returned them approximately two months
later after making minor changes.

Final editing, verification of proper names, punctuation, indexing
and proofing was completed by Shirley E. Stephenson. Computer
processing was accomplished by Kathleen R. Frazee.

Tapes and Interview Records

The original cassette recordings of the interview are housed in the
Oral History Program archives, California State University,
Fullerton, along with the records relating to the interview. Master
tapes are deposited in the California State Archives.

Biographical Summary

LEROY C. HARDY

Born:

March 29, 1927
Welch, Oklahoma

Education:

San Gabriel Elementary School, 1933-1939
Lynwood Junior High School, 1939-1942
Compton Senior High School, 1942-1944
University of California, Santa Barbara, B.A., 1949
University of California, Los Angeles, Ph.D., 1955

Occupational history:

Professor of Political Science, California State University, Long
Beach, 1953-
Senior Research Associate, Rose Institute, Claremont McKenna
College, 1979, 1988-

Military history:

Seaman First Class, United States Navy, 1945-1946

Civic and community activities:

Democratic Party
Consultant, Los Angeles Townhall, 1960
Consultant on Reapportionment, California Assembly, 1960-1961
Consultant on Reapportionment to Governor, 1964-1965
Consultant, Southern California Director of National Center for
Education in Politics, 1964-1966
Consultant on Reapportionment, California Democratic Congressional
delegation, 1965-1967, 1967-1969, 1979-1982
Consultant, Wyman, Rothman, and Kuchel Law firm, 1973
Adviser for gubernatorial, senatorial, congressional, local, and
initiative campaigns

Publications:

- California Government. (New York and San Francisco: Harpers and Canfield Press, 1964, 1966, 1969, 1973).
- Politics in California (co-author with Robert Morlan) (Belmont, Calif.: Dickinson Pub. Co., 1968).
- Report of Assembly Elections and Reapportionment Committee (Sacramento, Calif., State Printer, 1961).
- Townhall Ballot Measure Report, 1960.
- "Reapportionment and What to Do About It," Frontier 10 (March 1959): 10-11.
- "Aftermath of Baker v Carr," Western Political Quarterly 16 (September 1963): 65.
- "A Short Course on Reapportionment," Dixon Line 2 (November 1, 1965): 3-4.
- "Constitutional Challenge and Political Response California, 1965," (with Charles Sohner) Western Political Quarterly 23 (December 1970): 733-751.
- "Congressional Redistricting in California, 1965-1967: The Quilting Bee and Crazy Quilts," San Diego Law Review 10 (June 1973): 755-792.
- "Considering the Gerrymander," Pepperdine Law Review 4 (Spring 1977): 243-284.
- Reapportionment Politics: The History of Redistricting in the 50 States. (with Heslop, Alan and Anderson, Stuart) eds. (Beverly Hills, Calif., Sage Publications, 1980).
- Bibliographies on Elections and Representation in Political Science Teacher, (Fall and Winter 1989).
- Bibliographies for Elections and Representation Newsletter of APSA, Fall 1987, Spring and Fall 1988, Spring and Fall 1989, Spring and Fall 1990, and Spring 1991.
- Conference pamphlets (with Alan Heslop and others) March and June 1989.
- Recent APSA papers:
- "Conceptionalization of Gerrymanders," 1986.
- "ACTION Guidelines in Ohio," 1989.

[Session 1, April 20, 1989]

[Begin Tape 1, Side A]

SONENSHEIN: Thank you very much for consenting to be interviewed, Dr. [Leroy] Hardy. And we'd like to begin, although we have a lot to talk about about reapportionment, [with] a little bit about yourself, where you're from, your family background, how you came to be where you are today, at which point we'll take up the question of your involvement in reapportionment. So maybe you could tell us a little bit about yourself.

HARDY: I'm as near a native Californian as is possible by not being born in the state. I was born in Oklahoma. I think I came here at about five years of age in '32 or '33 and my family lived most of our lives in South Gate and Lynwood. I went to Santa Barbara for my B.A. [Bachelor of Arts] degree, the University of California, Santa Barbara. I then returned to Lynwood and started my Ph.D. program at UCLA [University of California, Los Angeles] in 1949. I finished my Ph.D. on the '51 reapportionment in 1955. In the spring of '53 I began teaching at Cal[ifornia] State

[University], Long Beach, then called Long Beach State College. I have taught at that university for the last thirty-five or thirty-six years. I'm now in early retirement. I'm now associated with the Rose Institute and doing research on redistricting.

SONENSHEIN: Let me go back, say, to your college days. What were your areas of study when you were in college? What political areas of study were you interested in?

HARDY: Well, when I started out at Santa Barbara, I thought I was going to be a secondary teacher until I started taking educational courses which dissuaded me from becoming a secondary teacher. I decided if I was going to spend that much time in addition to a B.A., I might as well get a Ph.D. I originally was interested in international relations which, of course, was very current at that time, the cold war, et cetera. But I had always been interested in politics, even going back to, I suppose, junior high. So politics was always my favorite interest. When I graduated from Santa Barbara, although I probably had most of my work in comparative government and international relations, limited in politics, when I came to UCLA, I wanted to get into the politics area. That's what I declared my area to be. There's a rather interesting story as to how I got involved specifically in redistricting.

When I was interviewed by the chairman—I think this would have been in the summer of 1950—he asked me, as I was being appointed to teaching assistant, what I thought I was going to do my dissertation on. My response was [that] I thought that I would do something on reapportionment in 1951 because it seemed to me that it was a timely topic. I had by accident got involved with gerrymandering in my Santa Barbara days. One of my instructors said something about gerrymandering. I got interested, looked at some of the lines, found it interesting, did a little short-term project. So I'd always been interested in redistricting or reapportionment. Well, the interesting thing about [Dean] McHenry, who was chairman of the department at that time, was, he said, "Oh, you can't do that." Of course, I said, "Why?" and he said, "Well, reapportionment struggles are always so secret in the legislative closets, et cetera, you really can't gather sufficient data." And I said, "Well, if that were the case, I would have to look for another topic." I really was not committed to anything at that point. Within a period of, oh, two or three weeks, I received a call from McHenry suggesting that I go and see Professor [Ivan] Hinderaker at UCLA.

SONENSHEIN: Can you tell me the first names of both of those men?

HARDY: Ivan Hinderaker and Dean McHenry. Dean McHenry became chancellor of the University of California, Santa Cruz.

Ivan Hinderaker ultimately became chancellor of the University of California at Riverside. The UCLA department in the fifties produced probably more academic administrators than you can imagine in terms of the University of California, et cetera. Now, the reason I was sent to see Ivan Hinderaker was that, between talking with McHenry and being sent to see Hinderaker, [Laughlin E.] Lock Waters who was to become chairman of the Reapportionment Committee in 1951, a Republican, had called McHenry and said, "We need an academic person to serve as our consultant on our committee for 1951."

Ivan Hinderaker who was a new assistant professor at the department had been a member of the legislature in Minnesota and, therefore, had legislative experience. He was interested in politics and seemed a natural. He, however, had a very heavy work load as any assistant professor and was doubtful as to whether he could do both the consulting and teaching. So the arrangement was that I would be his teaching assistant, to assist on handling classes, and that since I was also interested in redistricting that I might be able to serve on some of the staff assistance. That came to be. I served as a staff person gathering various forms of data, met with Lock Waters and [Charles J.] Charlie Conrad and was involved on

1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

2. Next, it is essential to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing resources.

3. Once the information is gathered, the next step is to develop a plan or strategy. This involves breaking down the problem into smaller, manageable parts and determining the best approach to solve each part.

4. After the plan is developed, the next step is to implement the solution. This involves putting the plan into action and monitoring the progress to ensure that the solution is effective.

5. Finally, it is important to evaluate the results of the solution. This involves comparing the actual outcomes with the expected results and identifying any areas for improvement.

HARDY: the edge of some of the negotiations. I was primarily involved in drawing maps and analyzing data.

This, of course, set me up for a natural dissertation topic. Ivan Hinderaker served as my chairman. He had access and a great deal of knowledge about the redistricting. I had met some of the prominent people and, therefore, what McHenry [had] said could not be done, was done. And I think it is one of the first dissertations to analyze a redistricting on a district-by-district basis, which from my point of view, then and now, is the only way you can really understand what redistricting is all about. Now, when I finished the dissertation, or before I finished the dissertation, I was asked to give a lecture before the American government [class] that I was the teaching assistant for and, obviously, on redistricting. It so happened that, I believe the daughter of one of the political leaders of the Democratic party was in the class. She reported to her mother—I think the name is Clifton, Suzie Clifton, anyway, one of the prominent Democratic women in the 1950s. Her daughter was in the class, so she brought her mother to the class because she anticipated that since I was working with a Republican committee with a Republican chairman, that I would have a Republican bias.

HARDY:

Well, as I explained redistricting and clearly showed, I suppose, a Democratic persuasion, she was impressed with my presentation and, in turn, suggested that I get in touch with certain Democratic leaders which I was not in a position to do. At that time I was starting my dissertation, I was starting a job at Cal State Long Beach, so I, in effect, didn't follow through in getting to know a lot of Democrats at that time. The result, however, was that when the dissertation was finally completed, many people turned to it as a guidepost to what redistricting was all about. Particularly the Democrats were intrigued by my analysis and they wanted me to speak.

I spoke during the middle fifties and late fifties probably to over a hundred different groups. At that time the CDC [California Democratic Council] was a very active organization. I probably talked to more CDC groups than any one other person, certainly in terms of redistricting during the fifties. But I also was always available to talk to any group that was interested in redistricting. As a result of that association with the CDC, speaking to Democratic groups, I was constantly asked to go to CDC conventions and explain redistricting. This became more so as you approached '61 and the question of who was going to do it in '61. So I was becoming known as someone

HARDY: knowledgeable in the field. In the late fifties, I would say probably '58 or '59, one of my students, an older student, took a class from me, was very interested in the legislature, went on to become a legislative intern with later Congressman [Richard T.] Hanna from Orange County. He was an intern in Sacramento, to Hanna as an assemblyman. And he was very much interested in redistricting as was I, and someplace along the way, I think probably in 1958 or 1959, he asked me if I would go to Sacramento to help him get a job as consultant to the redistricting committee, since I was knowledgeable in the field and had met many of the people involved. I said I certainly would.

[Interruption]

SONENSHEIN: So you began as a student researcher in a sense. You indicated that Laughlin Waters . . . is it Laughlin?

HARDY: Lock was Laughlin Waters's nickname as I recall.

SONENSHEIN: Laughlin Waters was a Republican, and obviously. . . . Was your professor a Republican as well?

HARDY: Yes.

SONENSHEIN: Could you tell me a little bit about your political stance in those days? What your politics were, because obviously you were a Democrat, as you've indicated, and how it felt to be contacted by, or what it was like dealing with the

Republicans on this reapportionment. Where were you and where was that in relation to them?

HARDY: I suspect that I was more comfortable than they, partly because I, though I had been a lifelong Democrat, an FDR [Franklin Delano Roosevelt] Democrat, if you will, a [Harry S.] Truman Democrat, I had not been really active politically. I was registered as a Democrat. At that time I was very much imbued with the idea that the academic profession was objective and you did not allow your partisan affiliation to color the kind of research that you would do. That was my perspective on what was expected. I'm not too sure that Lock Waters or Charlie Conrad looked at it from that point of view. But I think that from, certainly, my perspective, and I think probably, Ivan Hinderaker's perspective, we were doing the job of scholars in the field. We were providing information for people who wanted to use that information. And although we had political inclinations, that did not distort the kind of information we would provide.

SONENSHEIN: What sort of Republican was Lock Waters in terms of conservative, moderate, whatever?

HARDY: Well, he can speak better to that than I. I think that the description for both Charlie Conrad and Lock Waters was that they were [Earl] Warren Republicans, or liberal

Republicans compared to the more conservative elements within the party, which were then, of course, not as dominant as they are now. I mean, the party was the party of Hiram Johnson, the Progressive Era. You had a large number of people that were progressive that became Republican and were so-called liberal Republicans.

SONENSHEIN: So not the [Richard M.] Nixon wing of the Republican party?

HARDY: No.

SONENSHEIN: So you felt somewhat more comfortable, obviously, dealing with them than you would have felt dealing with the Nixon group?

HARDY: I would say that Warren was always one of my, one of the figures that I admired in the political spectrum. And, certainly, after Baker v. Carr,¹ I was on his side. But, I had considerable respect for Warren as a governor and as a political leader.

SONENSHEIN: Now, in terms of your direct involvement in the '51 reapportionment, as separate from your dissertation [which] we will talk about next, you said you were preparing documents on districts for your professor and for Lock

1. 369 U.S. 186 (1962). The decision of one man, one vote, basic to reapportionment.

Waters at the same time. Could you describe in detail the actual contacts you've had?

HARDY: Well, my recollection, and again, I would suggest that you try to reach Ivan Hinderaker in Corona del Mar. He has a better idea and probably a better memory of what we did than I. But, I recall at one of the first meetings, we went to Lock Waters's office in Los Angeles and we talked about the kind of material that we should be gathering. What we designed, and I have a copy of this someplace, was basically an analysis of each precinct as to the number of registered voters, the total population, the estimated population for each precinct, how they had voted in this and that election. It was basically a proposal for research that would be very feasible at the present time with computers but at that time was totally unrealistic as we got into it. We finally distilled that down to taking the precincts in Los Angeles County particularly, since other people were doing the same kind of work in other areas. Basically, we took every precinct--and if I recall, it's in the dissertation. As a matter of fact, there's a map in there showing you the kind of maps we prepared. I think we took three contests, and to show you how amateur data gathering was at that time, we simply took the precinct and we looked at who won the governorship, the

contest between Roosevelt and Warren, between Nixon and [Helen Gahagan] Douglas in the senatorial race, between Edmund [G.] Brown, Sr., and whoever the opponent was, I think it was [Edward S.] Hattuck. At any rate, we had three contests, and we went through each precinct and Republicans could have won all three contests, therefore, it was one color. The Republicans could have won two, the Democrats one; that was another color. The Democrats could have won two to one Republican, the Democrats could have won all three. So we, basically, had a very crude estimate of the voting behavior.

SONENSHEIN: And the estimate was won/loss rather than things like percentage and things like that.

HARDY: Yes.

SONENSHEIN: It really was very rough.

HARDY: Very rough. It was just simply aggregate results, not even aggregate data, it was aggregate results, who won and who lost. So we had these maps that you could look at and you could see that these were basically Republican areas and these are Democratic areas. Then you could carve out your districts according to whatever that produced. But the point is, it was very amateurish and it was inevitable at that time because you didn't have computer facilities. As a matter of fact, we had a very serious problem in terms

of population, because the figures that we had were estimates. To begin our work, if I recall correctly, I think this may be also covered in the dissertation. It shows you how valuable dissertations are: you forget everything about them. But we took the registration figures and we related the registration figures to the population in the area. Then we could take the registration figures by precinct and multiply it by a factor and estimate approximately how many people you had in each precinct. But it was all estimate, guesswork.

SONENSHEIN: You had census data which presumably had not yet been totally gathered for that.

HARDY: It was estimated data. It was in large units, such as a city or something like that.

SONENSHEIN: And then you had to estimate it back down to the precinct level . . .

HARDY: That's right.

SONENSHEIN: As a proportion, assuming that all precincts had the same relationship to the census figures.

HARDY: Well, basically what we did, is we took, for example, a city like Alhambra. It had, let's say, 50,000 people. We looked at the number of registered voters in Alhambra and you worked out a factor relationship, you multiplied that factor, 1.6 or whatever it was, against the registration

figures in each of the precincts. You would have a rough idea. Now, in other areas where you had less registered voters, your factor would be lower and you had to take area by area in the guesstimate that you were making. But they were very, very rough.

SONENSHEIN: Where was the census material? In what form was the census material? I'm just starting to get a sense of how unsophisticated things were in those days.

HARDY: It was just paper material, just sheets of paper saying in census tract so-and-so, or I think initially, it was in larger units than census tracts. It just simply said estimated population in Alhambra, such-and-such. Very crude. As a matter of fact, I suspect in that case, you didn't know what the actual census was until the end of '51. I mean, there was nothing like you have now where you have the official figures come out in December, and by February they're fairly well refined. They're corrected and they're pretty exact in a short period of time.

SONENSHEIN: Now, he was coming to you because presumably there was no such expertise available in the legislature, is that right?

HARDY: Yes. There was no expertise, and also, it would be interesting if you could dig up this information, to find out the amount of money that was spent on staff assistants in '51 compared to '61 compared to '71 and '81. I have no

idea of the figures. Again, there may have been some mention of that in the dissertation. But I would say that the expenditure was less than \$25,000 in '51. And the Democrats, to my knowledge, were completely at a loss. They didn't have the data. I don't think they were interested in gathering the data. It was kind of a mysterious operation. Now, there may have been some people who were knowledgeable. As a matter of fact, there was a pamphlet put out by some research organization in San Francisco in '51 about redistricting and population and changes. But my recollection of that is that it was a lot of statistics on the basis of the past rather than on the basis of what was actually happening in '51.

SONENSHEIN: So to characterize this period, people just were not talking about redistricting very much in either party, with the exception of Lock Waters and Charlie Conrad and the people who spoke to you. This was not in the air around the country of everybody's got to be talking about reapportionment.

HARDY: No. Only a very select number of people were aware of the fact that it was going on. And, it was just, well, McHenry's characterization was very true. He was not in any way trying to mislead me. It was true, people didn't talk about redistricting. It was kind of a mystery. It

happens and you simply take the results of it. There's another factor, however, and that is covered in this paper, the '86 paper on the west L.A. [Los Angeles] area. In the 1930s and the 1940s there were very good reasons why people were not interested in redistricting. Number one, in the thirties, up until '32, the Democratic party basically did not exist in California. You had a vote for the presidency, but if my recollection is correct, it was less than 20 percent in the election of 1924. The state was overwhelmingly Republican. Therefore, you know, there was really, any districts you would create would be overwhelmingly Republican, so there was not a great deal of interest. Any way you drew the lines, you'd wind up with a Republican district. In 1941, the population change was not that significant. The big wartime influx had not occurred. Now there had been growth, but it had been relatively spread throughout the state and there was no phenomenal move to the east or west or anything of that sort. So, redistricting because of the overwhelming Republican strength, the distribution of population growth, plus the cross-filing system made for a nonpolitical situation. Therefore, people weren't really that interested in the technique of redistricting to oust the other party. It was virtually impossible with cross-filing to get rid of incumbents in either party.

SONENSHEIN: So without some basic, sophisticated party competition, redistricting just doesn't arise as much of an issue.

HARDY: That's right.

SONENSHEIN: But in this year, '50, at least one person, at least the Republicans are beginning to see the significance of this?

HARDY: Right.

SONENSHEIN: What brings them to get so excited about it at this point?

HARDY: Well, one of the reasons, of course, was that they had been out of power in the House of Representatives for two decades, with the exception of the '46 election. And California was going to get eight new congressmen. I think it was eight, seven or eight. And if all of those could be Republicans, it would help the Republicans on the national level to gain a majority, which they did, by the way, in 1952, briefly. So the national party as well as the political leadership in the state recognized the political importance, if not on the assembly level—I don't think they were really worried about that because they had dominated it for so long and with cross-filing. There was no indication they were going to lose control of the assembly, and the state senate was rigged in terms of the reapportionment plan at that time. It was only on the national level, the congressional, that they saw this great opportunity. Now that, of course, ties in with something

that I've mentioned to you before, that the congressional redistricting is much more manageable from a party point of view than on the assembly or state senate level. The incumbents in the state legislature, now more than then, were more interested in preserving their seats. That tied in with the congressional redistricting because, at that time, congressional districts had to be created from assembly districts. You had to take two assembly districts or three assembly districts and put them together and form a congressional district. Now what happens if you look at the vote on the bills, it becomes quite obvious. Democratic assemblymen who were interested in carving out good districts for themselves to stay in the assembly were willing to vote for the assembly bill along with the congressional bill to get what they wanted for the assembly. And the same thing was true to a lesser degree on the Republican side.

SONENSHEIN: To clarify for the general reader, the state had the power to reapportion not only its own districts but also the congressional districts.

HARDY: Right.

SONENSHEIN: Therefore, this self-interest of the assemblymen could, indeed, determine the position of the congressional districts as well.

HARDY: That's right. And therefore, Lock Waters and Charlie Conrad and whoever else was in control of the strategy were able to use the self-interest of state legislators to create a bonanza in terms of congressional seats for the Republican party in 1952. Now, one of the things that sometimes comes up is [that] here you have Earl Warren, the maker of Baker v. Carr and all of the other revolutionary decisions in the sixties, at that time governor of California, and why didn't he stand for good redistricting at that time in light of what he did in the sixties? You may recall that he said that that was one of his great achievements as chief justice, the reapportionment decision. Well, what was his stance in 1950? He approved the bills passed by the Republican legislature. You can say that's kind of inconsistent with what he did in the sixties. But you've also got to look at that from the point of view that he was a potential candidate for the presidency in '52.

SONENSHEIN: And he had been vice presidential candidate in '48, is that right?

HARDY: In 1948, right. So if he wanted to be a Republican national leader, one of the ways to destroy that opportunity would be to veto the Republican bills that would produce congressmen and a Republican legislature.

SONENSHEIN: So to reemphasize the point you've been making, this was of tremendous importance to the national Republican party.

HARDY: Right.

SONENSHEIN: Apparently, not seen quite so clearly by the national Democratic party, which perhaps did not look clearly as a party, an utter party loyalty issue. It's somewhat ironic that he was passed over for Richard Nixon on the Republican ticket despite his loyal actions for '52. But clearly, there was no agitation from the Democratic side. No recognition of what was heading for the takeover of both houses of Congress in '52. There was no sense of alarm.

HARDY: No, I don't think so. I don't. . . . My recollection of my reading of the literature of that time was this was just an action that was going to happen. It happened and no one was really concerned about it until some of the results began to come in.

SONENSHEIN: So were the Democrats aware even of the steps being taken in California to prepare for this reapportionment? Was Waters rather reticent and saying, "Let's not discuss this too much openly"?

[End of Tape 1, Side A]

[Begin Tape 1, Side B]

Well, let me ask this differently. To what extent did Waters share the partisan implications of this with you as

you were working on it? Is this treated largely as a technical matter?

HARDY: From my point of view, it was strictly a technical matter. I was not privy to any of the strategy sessions or discussions. Well, he didn't have to tell me that the Republicans were going to try to help the Republicans. That would be obvious. But he, I think, was aware of the fact that it could have considerable national impact. He was, of course, at that stage in his life, probably thinking of statewide office or maybe even national office of one form or another.

SONENSHEIN: He was a young man at the time.

HARDY: He was relatively young; I would say he was in his middle thirties. So he had a long way to go in the Republican party. He probably looked at it politically, much more astutely than some graduate student or even a professor at UCLA would look at the situation.

SONENSHEIN: What were your impressions of him as a person? Did you have some sense of this?

HARDY: Oh, I found him a very likable person. As a matter of fact, and I think this, again, is mentioned in the dissertation, he was sometimes called "Laughing Boy" because he was constantly laughing. He was very jovial. Everyone enjoyed being around him, Democrats, Republicans,

and so on. He was a very likable individual. He was always very congenial to me. It was enjoyable being around him.

SONENSHEIN: Well, to follow up on that, you have indicated to me previously that there was something of a division of labor in most of the reapportionments you've studied or participated in of an active person with political skills in the legislature and other people who are doing more of the inside work. I wonder if you could elaborate on that, especially with regard to the '51 reapportionment?

HARDY: Well, it's my impression in hindsight that the bill was put together in the legislature by Lock Waters and Charlie Conrad agreeing with Republican leaders in, let's say, San Francisco and San Diego and various other parts of the state, "You people know this area much better than we do. You give us some suggestions as to how we should draw the lines." This is well-exemplified by the case of San Francisco where, I believe, it was the Republican Central Committee in San Francisco [that] drew the lines in San Francisco. Now, San Francisco had to lose two assemblymen, and they also had the opportunity of rejugling the congressional districts as a result of this. They did a masterful job in an amateur way with the data they had of creating havoc for the Democrats in San Francisco. They,

basically, somehow, I suspect by one of the major law firms of the chairman of the San Francisco committee, organized the district lines. At some point they passed these on to Lock Waters and said, "These will be the districts that will do the trick for San Francisco," and they were incorporated into the bill. At that time I think there were two, maybe only one, a limited number of Republicans in the county, assemblymen. Two of them had to go. The Democrats were not consulted and when they ultimately found the districts that were suddenly revealed when the bill was presented to the legislature, they found that they all were in new districts. In most cases, only their homes were attached to districts that were almost entirely different than their longtime bailiwicks.

SONENSHEIN: And this came as a complete surprise?

HARDY: Complete surprise.

SONENSHEIN: Why would it have been such a surprise? How were secrets like that able to be kept so well in the climate of the times?

HARDY: Well, if it was done, as I suspect, in a law office in San Francisco by the Republicans, the Democrats would not be informed of this. And I suspect, and it's kind of interesting, one of the remarks that [A. Phillip] Phil Burton who comes up later on made in 1981 relative to the

'51. He said that he got interested in redistricting in 1951 when suddenly he found the entire political organization of San Francisco turned upside down by what they did with redistricting lines. Now, here is a man who has a reputation of having been very political all of his life, but at least his story was that he was surprised at how far they could go in terms of disrupting politics in San Francisco in 1951.

SONENSHEIN: So whether or not that's a true story, it indicates that the long-term kind of complacency of the Democrats, that "We'll be treated fairly, generally, if we don't make too much noise," was shattered all at once.

HARDY: Yes. And I think that's, again, whether it's true or not, that's his story. I think it is indicative of the way the Democrats were reacting to it, and I think it's probably also true of most Republicans. The Republican who was protected in the San Francisco area probably didn't care too much about what was happening in San Francisco as long as his district was protected. That's probably true in other parts of the state. My interpretation of '51 was that it was a decentralized operation, delegated to the respective people in the various areas. Again, keep in mind that we didn't have the kind of political data or capability that we do now. Furthermore, in California,

many of the contests were being won in the primary. You really didn't have a good sampling of what kind of a political area this is, except in the statewide contests or the national.

SONENSHEIN: Maybe we could explore that. You mean that because of the cross-filing system, since a candidate could win the primary of both parties, there was no accurate way to assess Democratic and Republican strength because there was no match up between the parties?

HARDY: Right.

SONENSHEIN: So people were simply guessing or looking at other elections, like national elections, where cross-filing would not have been. . . . Of course, national elections could be different from people who vote in the states. People are rather uninformed, even about their own districts.

HARDY: And even the politicians who should have been on top of the data didn't have that much data to go on. Let's say, for example, and I'm just pulling this out as a hypothetical example, that there was no contest for the state senate, there was no contest for the assembly, there was no contest for Congress, and now you are trying to assess voting behavior in San Joaquin Valley or San Joaquin County. If you didn't have any of those contests, the only thing you

could go to would be the presidential contest of 1948 which was two years in the past. Or you would go to the governor's race or the senatorial race, or the attorney general race, the three major contests in '50, as a kind of a guideline. But it was just a very amateur way of judging. Now that, of course, was the reason why relying upon local politicians probably made more sense than trying to do it in Sacramento or in some centralized operation. Because, even though the local politicians didn't have any better data than you did, they would be more aware of where the political leaders were or the voting behavior of the north part of the county, the south part of the county, et cetera. The very nature of the competitive system, or the noncompetitive system, the lack of data, both in terms of the censuses available, et cetera, and the lack of contests, all of them compounded the problem and made it a big guessing game.

SONENSHEIN: That's just the word I was going to use. This is a guess. The level of uncertainty here is extraordinary. At the same time that you're trying to win control of the House of Representatives, basically take over the American political system, the base is very uncertain. The data is not good. You're relying on local politicians who are making an assessment. That's very striking.

PROOF

The first part of the proof is devoted to the construction of a sequence of functions f_n which are defined on the interval $[0, 1]$ and satisfy the conditions $f_n(0) = 0$ and $f_n(1) = 1$. For this purpose we consider the function $f(x) = x$ and its derivatives $f'(x) = 1$ and $f''(x) = 0$. We then define the functions f_n by the formula $f_n(x) = \frac{1}{n} \sum_{k=0}^{n-1} f\left(\frac{k}{n}\right)$. It is easy to see that $f_n(0) = 0$ and $f_n(1) = 1$. Moreover, we have $f_n'(x) = \frac{1}{n} \sum_{k=0}^{n-1} f'\left(\frac{k}{n}\right) = \frac{1}{n} \sum_{k=0}^{n-1} 1 = 1$ and $f_n''(x) = \frac{1}{n} \sum_{k=0}^{n-1} f''\left(\frac{k}{n}\right) = \frac{1}{n} \sum_{k=0}^{n-1} 0 = 0$. Thus, the functions f_n satisfy the conditions $f_n(0) = 0$ and $f_n(1) = 1$ and have the properties $f_n'(x) = 1$ and $f_n''(x) = 0$.

Next, we consider the function $f(x) = x^2$ and its derivatives $f'(x) = 2x$ and $f''(x) = 2$. We then define the functions f_n by the formula $f_n(x) = \frac{1}{n} \sum_{k=0}^{n-1} f\left(\frac{k}{n}\right)$. It is easy to see that $f_n(0) = 0$ and $f_n(1) = 1$. Moreover, we have $f_n'(x) = \frac{1}{n} \sum_{k=0}^{n-1} f'\left(\frac{k}{n}\right) = \frac{1}{n} \sum_{k=0}^{n-1} 2\frac{k}{n} = \frac{2}{n^2} \sum_{k=0}^{n-1} k = \frac{2}{n^2} \cdot \frac{n(n-1)}{2} = \frac{n-1}{n}$ and $f_n''(x) = \frac{1}{n} \sum_{k=0}^{n-1} f''\left(\frac{k}{n}\right) = \frac{1}{n} \sum_{k=0}^{n-1} 2 = \frac{2}{n}$. Thus, the functions f_n satisfy the conditions $f_n(0) = 0$ and $f_n(1) = 1$ and have the properties $f_n'(x) = \frac{n-1}{n}$ and $f_n''(x) = \frac{2}{n}$.

Finally, we consider the function $f(x) = x^3$ and its derivatives $f'(x) = 3x^2$ and $f''(x) = 6x$. We then define the functions f_n by the formula $f_n(x) = \frac{1}{n} \sum_{k=0}^{n-1} f\left(\frac{k}{n}\right)$. It is easy to see that $f_n(0) = 0$ and $f_n(1) = 1$. Moreover, we have $f_n'(x) = \frac{1}{n} \sum_{k=0}^{n-1} f'\left(\frac{k}{n}\right) = \frac{1}{n} \sum_{k=0}^{n-1} 3\left(\frac{k}{n}\right)^2 = \frac{3}{n^3} \sum_{k=0}^{n-1} k^2 = \frac{3}{n^3} \cdot \frac{(n-1)n(2n-1)}{6} = \frac{(n-1)(2n-1)}{2n^2}$ and $f_n''(x) = \frac{1}{n} \sum_{k=0}^{n-1} f''\left(\frac{k}{n}\right) = \frac{1}{n} \sum_{k=0}^{n-1} 6\frac{k}{n} = \frac{6}{n^2} \sum_{k=0}^{n-1} k = \frac{6}{n^2} \cdot \frac{n(n-1)}{2} = \frac{3(n-1)}{n}$. Thus, the functions f_n satisfy the conditions $f_n(0) = 0$ and $f_n(1) = 1$ and have the properties $f_n'(x) = \frac{(n-1)(2n-1)}{2n^2}$ and $f_n''(x) = \frac{3(n-1)}{n}$.

HARDY: But now in contrast, again, just extrapolating, if we were to go to Ohio or New York where you had contests in all of the local races and in some cases you're electing Republican mayors and Republican councilmen, you have a much better data base upon which to predict what's going to happen than we did in 1950 in California.

SONENSHEIN: Was cross-filing unique to California during that period?

HARDY: I think there was only one other state. I think West Virginia had some kind of a variation, but none to the extent of California's pattern.

SONENSHEIN: So the uncertainty level was the highest at that point here. Now, you had indicated earlier—I just wanted to recheck—that other states were not pursuing the redistricting thing to the same degree as was about to happen in California. It was not as big an issue elsewhere, or did I misinterpret what you were saying?

HARDY: Well, I don't really recall. I can react to the statement. It wasn't as significant in other states because I don't think any state was losing as significantly as states are losing at the present time in '81, maybe New York lost two seats. That would be serious, but they had forty-five seats at that time, so that wouldn't really be a big issue. I think that was true throughout much of the country. Remember, also, that in the 1950s we were pretty

well settled into the silent gerrymanders whereby legislatures simply didn't act to recreate the districts to correspond to population. They just simply let them stay the way they were. And in states where they sometimes gained, they would simply make the district at-large. For example, Illinois--Pennsylvania is another example--when they got an extra seat, they didn't divide up all the districts again to create thirty-one or whatever it was. They just kept the thirty-three and they added one at-large.

SONENSHEIN: Literally elected at-large?

HARDY: Elected at-large. So that didn't require them to redistrict. And the courts were not saying you have to do it. Furthermore, the courts, notably Colegrove v. Green,¹ had some atrocious variations and they wouldn't act because they said it was a political question. So the whole mood in the fifties was, if you will, status quo. The only place where it became dramatic was where you had a state like California that picked up eight seats or seven, whatever it was. That was kind of dramatic and it represented a lot of opportunity. So it focused attention

1. 328 U.S. 549 (1946).

on the congressional level. But on the state legislative level, it wasn't really that dramatic.

SONENSHEIN: It's a very complicated but interesting story then. There's a national issue of winning control of the Congress; the California legislature is not all that excited except when the seats come out and Democrats are in a state of shock. Both assemblymen and congressmen were in a state of shock, or was it more the assemblymen? Who was most disadvantaged in the Bay area, for instance, when you were describing the Bay area?

HARDY: Well, all of the assemblymen in the Bay area were forced to run in virtually new districts. But if I recall, in one of the last minute negotiations, they were allowed to declare themselves incumbents in the districts although it was a completely new ball park. You'd have to check that, but I think that's true. Initially they would not be incumbents in these new districts; then they became labeled as incumbents with cross-filing. They would probably win, anyway. Most notably in San Francisco, the Democratic, the most liberal Democratic Congress was disadvantaged by the way they shifted the districts. They shifted the axes of the districts from basically east-west to north-south, and the result of that is the heavy Republican areas were thrown into the [Frank Roberts] Havenner district, and he lost in the election in 1952.

SONENSHEIN: Was he primarily a target because of his liberalism or simply because they were trying to get every single Democrat and he was the most amenable to getting knocked off?

HARDY: Well, you know, in redistricting the strange thing that happens in redistricting when someone has to go, it's surprising how there's almost universal agreement as to who it should be. That is not only, in this case, the Republican party, but there probably would be a number of Democrats that would find someone. If someone's got to go, why not him? That prevails, as far as I'm concerned, in most redistrictings. When someone has to go, there is almost universal agreement as to who it should be. Now, of course, the party that's losing will make a big protest, "You shouldn't do that to Joe." But there is a sigh of relief on the part of many of them, "Well, at least it's Joe, not me that's being wiped out in the process." Now, one can make the case that in 1951, although Lock Waters and Charlie Conrad were moderate Republicans, they were out to get liberal Democrats. The two liberal Democrats that were disadvantaged were Havenner in San Francisco and Clyde Doyle in the Long Beach area. Now, it so happened that in Doyle's case, his old district was completely realigned, but there was enough growth that a new district was created

to the north, and he had to move from Long Beach, technically, to South Gate to this new district. He was elected from that district, so he didn't lose his seniority. He had a district but, actually, he had been eliminated from his longtime Long Beach residence home, et cetera. Well, they were both liberals and they were segregated out for targeting, if you will, what we call it now. On the other hand, another notable liberal, let's see, [Chester Earl "Chet"] Holifield from the east L.A. area found his district overwhelmingly concentrated as a Democratic district taking in totally new areas, but he could survive. The Republicans thought he was a pretty good guy, and they could get along with him, et cetera. Likewise, they were willing to create a heavy district for [Samuel W.] Sam Yorty. As a matter of fact, one of the stories is that the new district was labeled as the Yorty district, the famous Twenty-sixth District. And one of the stories is that they offered to extend the line of this very distorted district to include Yorty's home in the district. He refused, so he actually didn't live in the district. You don't have to live in the district for Congress so it didn't really create any problem for him. But they were willing to keep Sam Yorty in the Congress and most of the other Democratic congressmen survived because,

with all the new seats, they could provide opportunity for Republican congressional aspirants.

SONENSHEIN: What set somebody off as likely to be the odd man out, then? Yorty certainly was rather eccentric, I presume not overly popular with colleagues. Is it being out of line ideologically, being unlikable? What makes you unfortunate enough to be the odd man out?

HARDY: I think it's probably a combination of factors. I mean, in some cases, you may think that ideologically the guy is a fool or is a terrible representation of a position. On the other hand, sometimes you want to get an ideological person because they are extremely effective and you don't want that kind of an opponent that can do so well with his ideological position. In other cases, the person is just obnoxious in terms of the way he deals with other people, or he is unpredictable. You don't know whether he can be relied upon to keep his word on voting this way or that way. The unreliable people have to be shuffled off. The embarrassments have to be shuffled off. Well, they can be embarrassments because they are too truthful or because they are too effective or for any number of reasons that someone can be an embarrassment to the party.

SONENSHEIN: So redistricting provides a way that the norms or peer beliefs of a group of legislators can actually end somebody's career.

HARDY: Yes.

SONENSHEIN: By violating the norms of the institution without removing them from the institution through a censure. You just redistrict them out of existence.

HARDY: Another thing that prevails under normal circumstances is that the younger member will be the one that will be eliminated. You keep the senior person.

SONENSHEIN: Why is that?

HARDY: Because of the advantages of seniority for the state, even if he is of the opposite political party. He will be an important factor in the legislative process for California even if he's in the opposite party. One of the things that was criticized in terms of '51 is that Havenner and Doyle both were beginning to build seniority. If they had continued to build their seniority, they would be effective Democratic leaders in the House of Representatives in the 1950s. But by eliminating these seniors, the Republicans were taking advantage of the political situation and ignoring the seniority advantage for the state as a whole.

SONENSHEIN: So they sought a partisan edge for the House of Representatives at the cost of the ability of the state to be represented.

HARDY: Right. Now, you also have to keep in mind that at that time we were in the midst of the [Joseph] McCarthy era, and

liberals were easy targets for elimination. A lot of people were sympathetic to that, not only in the Republican party but in the Democratic party. So these were easy targets. One of the ironies of 1951 was that an assemblyman, a very liberal assemblyman from Contra Costa, [Robert L.] Condon, was put in. Well, number one, his assembly district was modified which would have made it very difficult for him to be reelected in the assembly. According to his story in an interview that I did with him after the '52 election, he said that he was faced with an option of running in a very difficult assembly district for reelection or taking on this new district which would be rough, but he had a chance of winning it. And he did win it. As a matter of fact, it's kind of interesting. . . . With all the Republican juggling and all that they did, they still wound up, I think there were three Democratic assemblymen [who] won districts in 1952. And in two of the cases the Republicans clearly tried to shape a district that would potentially be Republican, and one of them did become Republican in '52. In the other one where the Democrat won, it was a peculiar interparty struggle. The congressman from Bakersfield ran against Warren in 1950 for governor. He was a conservative . . .

SONENSHEIN: Do you remember who that was?

HARDY: [Thomas Harold] Werdel, I think his name was. W-E-R-D-E-L, or something like that. He ran against Warren in the primary in, I think, 1950 and he agitated a lot of the liberal Republicans in that area and at the same time it had a fairly good Democratic registration. The Democratic assemblyman was able to unseat the congressman from that area. But, in general, the Republicans tried to shape the districts to elect Republicans. One of the ways in which they really did an effective job was in Los Angeles.

Recall that I said you created assembly districts, you had to take assembly districts and group them together to form congressional districts within a county. Now, you have to go back to the dissertation and look at the figures, but it worked something like this. You had thirty-two or thirty-one assembly districts. You were going to have twelve congressmen. Twelve goes into thirty-one so many times and so some of the districts could have two assembly districts, others had to have three. Now, if you take three heavy Democratic assemblymen, or districts, put them together and make a very heavy Democratic congressional district. And on the other hand, you have two light Republican assembly districts put together for a congressional district, you create such disparities as existed in the dissertation and they are

cited everywhere, as the disparity between a district over in Santa Monica that had 225,000 people in it and right next door was the Yorty district that had 475,000 people. Well, you were electing one Republican and one Democrat, but the Republican had half the people as the Democrat. If you take that and apply it throughout the county, you wind up with the situation that the Democrats were winning 50 percent of the vote in the county, but they were only winning a third of the representation. During that entire period, I think they had twelve congressmen. The Democrats, the most they won were five congressmen in any one election. They were winning at least 50 percent of the vote during the entire time. So you were able to maximize the political impact by the way you grouped assembly districts. Again, keep in mind, you created the assembly districts to please the Democratic incumbents, the majority of whom, I think, voted for the congressional and assembly bill, and you created favorable districts for the Republican assemblymen. So everyone was happy in the assembly, but the people who really suffered were the congressional people.

SONENSHEIN: Just to clarify, though. If you were a Democratic assemblyman in Los Angeles County, you couldn't care less whether you're in this one's congressional district or that

one's congressional district, or whether you were one of three assembly districts grouped or two. Right? It makes no difference at all to you.

HARDY: Yes.

SONENSHEIN: OK. That's just to make sure that the reader would understand that. And Congressman Yorty doesn't care, ultimately, that his district is twice as large as the one next door as long as it's a district that he can win in.

HARDY: Right. Right. And the other implication of that is, as was true of Yorty, if you had statewide ambition or ambition for higher office, if you were from a safe district, all the better to run for statewide office because you are almost reassured reelection. So you can spend all your time running up and down the state running for governor or senator or whatever. So incumbents usually don't object, aside from making a public protest against the enemy who is always the one who did the dastardly deed. You may want to look over the '86 article about the west L.A. where I go into some of these aspects because this will come up again in the sixties and seventies where incumbents are willing to go along with certain things without really concern for the total party picture.

SONENSHEIN: So to a Democratic congressman in 1951, as long as he doesn't get knocked out of his district. . . . Well, the

loss of the House of Representatives, of course, is a problem but he hasn't thought that through yet to realize the role this is going to play, because then he's going to lose chairmanships, that would be serious. It doesn't interfere with his statewide ambitions particularly. In fact, as you're saying, it may actually help his statewide ambitions, which, to get ahead of our story, may explain why it was the extra party vehicles like the CDC, that most wanted to hear from you about what was wrong with the reapportionment process. They did not have as big an investment in the incumbent Democratic officeholders.

HARDY:

A side story which may or may not be relevant to what you're doing, but one of the congressmen who was elected with the assistance of the CDC, after he became a congressman, was approached by the CDC that wanted him to do such-and-such. He was not sympathetic to what they wanted, and he said to one of the leaders of the CDC, "You've got to realize that we've accomplished what we wanted to do. We got rid of cross-filing, we got a good situation politically, now you people should go home and forget about political agitation. You've done what you're supposed to. You elected me to Congress. Now, forget about that."

SONENSHEIN:

That was certainly the wrong thing to say to the CDC.

HARDY: Yes, but by that time they were, you know, kind of comparable to Common Cause at the present time. They had very little membership, although they have a big paper organization.

SONENSHEIN: Which congressman was this?

HARDY: Well, I think I should not say.

SONENSHEIN: You don't have to say. OK.

HARDY: I think he's still alive. If he weren't alive, I'd tell the story.

SONENSHEIN: So let's go toward your dissertation, toward the arguments made in your dissertation about the '51 reapportionment because that, in a sense, is direct experience. You gathered information through, I presume, interviews in addition to your own. You make the argument in there that the reapportionment was ultimately political and you contrast that to other views that it was not political. Nowadays, of course, we take it for granted. Why, in the climate of those days, would it be more necessary to actually convince people that the reapportionment was political? Do you know what I mean? In other words, was there an attitude then that these things were not political? In other words, who were you addressing that to?

HARDY: Well, I think that goes back to what we were talking about before. People were not really thinking about redistricting. They didn't know about redistricting. As a matter of fact, they don't know too much about it . . .

[End Tape 1, Side B]

[Begin Tape 2, Side A]

SONENSHEIN: Again, what was it in the climate of the times that led you to feel it necessary in your dissertation to argue that our reapportionment is political?

HARDY: Well, I think, number one, people were not that aware of the importance of redistricting. It was reflected in what I quoted about McHenry earlier. It's something that is mysterious; people don't know what's going on. There was a tendency for people who suddenly got interested in it to say that it should be handled in a neutral way. For example, again in the dissertation, you will find a quote there of a letter coming in from some person saying, "Now you've appointed a professor, give him an adding machine, put him in a room and tell him to come up with the right districts and then fight for it. To hell with the party politics!" That kind of view was very typical for people who didn't understand the nature of the process. And therefore, you had to emphasize the political nature of something that they didn't really understand or they didn't

bother to analyze. They were coming at it from a very abstract point of view without acknowledging the political realities that existed in the legislative process. Now, you're going to find later on when I now move to reform in the eighties that I'm saying it's gone too far in terms of the process. But at that time, people really didn't understand the nature of what they were dealing with, the impact that redistricting could have in terms of a political future, a party's future, et cetera. And I think that's one of the things that my dissertation accomplished by emphasizing that point in contrast to some of the analysis that had been done in previous times. Now, you remember, I said that I thought my dissertation was one of the first that analyzed redistricting from the point of view of a district-by-district analysis in terms of what was this all about, why was this done politically. Prior to that, and I must say a lot of the literature since the 1960s, a lot of the analysis tends to be very abstract. You go through the districts and say, "Oh, they vary from 10 percent to 5 percent to 1 percent from this or that, therefore, they are bad or good," without any recognition of what the constitutional rules might be or the political nature of passing the bill, et cetera. I think the potential contribution that my dissertation made was that

HARDY: it brought the process into a more realistic basis for evaluation. There's a lot of politics in this, although people didn't recognize it at that time.

SONENSHEIN: Would that also be true of the scholarly community in a sense? I'm sure in those days there was a great deal more focus on less political political science in some ways. Did you find that to be true to some extent in your research?

HARDY: Right, right. As a matter of fact, I can give you even further evidence of that. We're getting ahead of 1950, but in '81 I prepared a bibliography of over probably 4,000 to 5,000 articles. The ultimate result or the conclusion that I came [to] from having read all those things, number one, aside from being a fool to read that many articles [Laughter], but the conclusion I came to is that most of this analysis is absolutely worthless. All they're saying is there was this range from that range and it's bad or it's good. There was no analysis of why these things actually happened. I think the academic literature has suffered considerably because of that.

SONENSHEIN: So to some extent there was almost a technical focus on redistricting and still is?

HARDY: Yes.

SONENSHEIN: Even within political science which should, of all places, be looking at the political implications of it.

HARDY: Yes. And, so at that time, it seemed to me that it was important to say, "Here are some of the political realities in the process." It is interesting, and it goes up to this '86 article or paper that I presented at the national convention, the reaction that I got from some of my academic colleagues who basically said, "You shouldn't be saying these things about the process. These are bad things, you know, that it's politics." But it's just a total unwillingness to look at the reality of what goes on in redistricting and trying to judge things abstractly in terms of what does the constitution say. Or what are the figures produced? Let me give you another example of a ramification of this.

In 1951, two of the great disparities in terms of assembly districts was between one district that consisted of Marin and Sonoma which was heavily overpopulated, and Imperial that was very underpopulated. Now, there was a very basic constitutional reason why that was true. You had to group counties as wholes unless the county was entitled to more than one representative.

SONENSHEIN: By constitutional, you mean state constitution?

HARDY: State constitution. Well, Imperial was boxed in by two counties that had full districts. It couldn't be attached to Riverside, it couldn't be attached to San Diego. So it

had to be given a district even though it was very underpopulated. Marin could not be divided, Sonoma could not be divided, therefore, they had to be grouped together to form a large district. Well, if you go through in the analysis and you take these two contrasts and you say, "Oh, what a bad reapportionment" on the basis of those figures without looking at the constitutional requirement, you get a distortion of what's causing the problem.

SONENSHEIN: So sometimes you think there's politics when there isn't politics, and other times people don't notice the politics when it really is going on.

HARDY: Right.

SONENSHEIN: So your argument, unless you get under this variance question and look at each case, which is what you did in your dissertation where you went through a district at a time. In your dissertation, how much of it would you say was political then, of all the variance that you saw? I mean, not by number, but to what extent were some of them. . . . How much of it was constitutionally mandated and how much of it was Waters's and others, Conrad's, political strategy?

HARDY: Well, it would be very difficult to percentage it out. I've given you the two examples in terms of the assembly districts, the great variation was caused by the

constitution. On the other hand, when you got to a question, and I'm not too sure of this. . . . I think the situation was this. There were two counties, San Joaquin and Kern, that had almost, well, they had a significant population larger than for one district, so they should have been divided into two if at all possible. Well, when it came to the division, I think the Republicans in '51 divided Kern into two because it was a Republican area, so they thought they'd have two assembly districts. On the other hand, they consolidated the two Democratic districts in San Joaquin. In the one case they argued that the constitution required it, and the other one, the constitution allowed it. You see, you could use the constitution argument either way. Now, to what extent did the constitution create the choice between San Joaquin and Kern? In the case of Imperial and Sonoma and Marin, there was no choice involved. There was just nothing available. In the case of the constitutional requirement of congressional districts being made up of assembly districts, there was no reason why you couldn't have taken three light assembly districts and put them together and taken two heavy assembly districts to make a congressional district which would have created a much closer variance between the size of districts. You could have used the

HARDY: constitutional requirement in line with the intent of equal districts, but it was expedient politically to do it exactly the opposite. "Well, why did you do it? Well, we had to do it because we had to deal with whole assembly districts."

SONENSHEIN: So the constitutional argument became an excuse for more political considerations?

HARDY: Right. And that runs throughout. This is what I was talking to you about: the whole concept of interviewing some of the participants. I suspect, at least from the point of view of people who were actually involved in drawing or shaping their own districts rather than the process in general, in each case they're going to dream up a reason why that was expedient, even though it was actually to include a place where someone's wife wanted to live. All sorts of reasons that have no relevance to redistricting except you have to consider residence in terms of assembly districts, et cetera.

SONENSHEIN: So again, one of the things that your dissertation then does is argue against sort of self-serving explanations--we did this because we simply had to.

HARDY: Yes.

SONENSHEIN: You're arguing that there were obvious political reasons.

HARDY: But then, of course, you get yourself into a trap because, that's my interpretation, which might be opposite to your

interpretation, and who has the right interpretation?

That's one of the things that, I think, I initially began to learn in my dissertation. There are different ways of looking at things politically, and you've got to be very careful in terms of the interpretation you jump on. If you accept it without critical thinking, you may be making a very big mistake in your evaluation.

SONENSHEIN: Would it be accurate to say that what your dissertation does, for the purpose of the reader of this interview, instead of relying on politicians' statements through interviews of what happened, although you used that to talk about strategy, you largely looked at the effects of the reapportionment and the behavior, in effect, of those legislators rather than having a detailed discussion with them about what happened. Is that a close description?

HARDY: Right.

SONENSHEIN: Were they aware that you were doing that while you were doing your dissertation? That that was your goal, to assess the actual reapportionment? Did any of the people you talked to have any opinions about the approach you were taking?

HARDY: Well, I don't know if they were aware. I don't know that I was aware of what I was doing. My intent was to show reapportionment or redistricting as a political process and

how it actually operates and all the variables that come into the operation. But I don't know that I was actually attempting to do that as a deliberate purpose. I was just trying to approach it from a more thorough, scholarly way than had ever been done before. And what came out of it was probably as much accident as planned strategy. I didn't have a hypothesis and all of the games that we go through now. I just wanted to explore a topic and see reapportionment in as many dimensions as was feasible. And I think the people who participated with me took me at my word that I was seeking a scholarly understanding of the situation. Ultimately I came to the conclusion that all of these people were telling me self-rationalized interpretations of what's going on.

SONENSHEIN: They were telling you that all of this was either through the constitution or this was the obvious, rational, logical way to do it, and after awhile, you began to look at the data.

HARDY: Yes.

SONENSHEIN: Was there a turning point where you suddenly began to develop a view that this could be much more easily explained as a political strategy?

HARDY: Well, I think one of the places where it occurred to me that something was happening, as you know, in a

dissertation you go through many drafts. I went through endless drafts. And at one point one of the readers wrote on the side something like, "Great idea," "Brilliant thought," or "I'd never thought of this before," something very complimentary. I thought my analysis was finally reaching the point that maybe I'm reaching a Ph.D. level. It was passed to the second reader and the second reader said, "How can you say this? This is idiocy." Now, how do you change your draft with one person saying it's a brilliant observation, the other one saying it's idiocy? You ultimately, to make your way through the Ph.D. process, compromise considerably your inclination to make an evaluation here, an evaluation there. And I had an interesting reaction to this. My typist who was typing these drafts endlessly finally reached the concluding chapter in which, on the basis of all the facts that I had accumulated, I began to make some worthwhile observations. Her reaction, after typing the first 450 or 400 pages or whatever it was, was now, "At last, you're beginning to say something that's worthwhile! I mean, why didn't you say some of these things before?" Well, I couldn't say them before because I didn't really understand them, plus I had people reading things that were making different interpretations, so all I could deal with in the first part

HARDY: were, "Here are the facts." Now, after you go through all the facts, you can then reach the point of, "These are my observations or interpretations." But if you insert your evaluation every step of the way, then you're going to constantly find them saying, "Why are you saying that?" and you will never get through the dissertation because people are in disagreement. So that may be a roundabout way of saying that I arrived at my conclusions by empirical evidence, not on the basis of a strategy of gathering [evidence]; it's just the way it worked out.

SONENSHEIN: And also, ultimately, not by relying on the word of what your interviewees were telling you about their motives.

HARDY: Right.

SONENSHEIN: And that's certainly a departure, certainly was a departure at the time in studying reapportionment. Now it would be much more acceptable, although as you're saying, still not entirely.

HARDY: I think that's true, but I also think in hindsight, in many respects, the work that's being done on redistricting at the present time ignores a lot of these individual actions in individual districts. There is still a tendency for people to judge on the basis of the overall picture without really getting down to looking at individual districts and why was this created and how were these districts evolved,

et cetera. You find this particularly in the literature. As a matter of fact, in the last day or two I received an article from someone back East, an article on measuring gerrymanders. He has some complex formula as to how you judge gerrymanders. My initial reaction to the article was, how could he determine a measurement of gerrymandering without looking at individual gerrymanders? People tend to look for the overall picture without getting down to the empirical individual data. But that's typical of how many political scientists approach the problem.

SONENSHEIN: In your dissertation, you also have a section where you discuss Waters's strategy for getting the reapportionment passed. Could you describe that a bit for purposes of this interview, how he put together his support to. . . . Well, everything you've said so far would indicate that it might not have been that difficult, given the dynamics you've described, but could you talk a bit about his legislative skill in getting this through?

HARDY: Well, initially, I would say that he had the personality and the lack of ideological rigidity that made it very possible for him to bargain with people and to talk with people in terms of what are your interests and wants, and if we can provide you with this or this, will you go along with what we're doing? He was a very good negotiator, a

broker if you will. In this case, he was brokering not only his party interests, but he was also brokering a bipartisan program to get through the legislature. Many of the things I've said already explain the techniques that he used which I believe basically centered on the fact that each legislator was interested primarily in his own district. And, most legislators were willing to just settle for that. And then, you know, this is a terrible complex topic. "Look, you take care of the problems; I trust you to put together a package. Just be sure that my district includes my home," you know, that kind of thing. I also suggested to you that a lot of the difficulties of negotiation were handled by decentralizing the operation, particularly in an area where, such as San Francisco, where you didn't have a large number of Republican legislators. All the Democrats were going to vote against you anyway, so you just simply write off San Francisco and the Democrats there. You are assured that the Republican party organization will protect the incumbent Republicans. Let them do all the negotiation for you or give you the package, and then you just pull together all the parts and say, "Now, this is our legislation." I don't know if that is answering your question or not.

SONENSHEIN: I guess I'm thinking of one other item that you had in there about when people oppose the steamroller, you

indicated that their opposition was treated as if it was almost selfish. And yet, the strength of it was the selfishness of the legislator because there was. . . . I guess one thing I was getting you to talk about is what they did with people who complained about the plan. You indicate they isolated them by making them feel like they were being very selfish for opposing the plan. Do you recall something about that?

HARDY: Well, that is just a general operational technique in any organization or bureaucracy or a legislature. Those people who won't go along will be pictured in some unfavorable light. They're just not reasonable people. That's what was applied to some of the people who were objecting to the legislation. They were self-seeking. For example, I think there's the example of [Arthur W.] Coats, [Jr.], up in the northern valley. He had an idea of creating two congressional districts up there; they created one. He complained that this district that was being created was heavily overpopulated, it was unfair.

SONENSHEIN: This is a Republican?

HARDY: No, this is a Democrat. So he was criticized as being very selfish. He'd already announced that he wanted to run for Congress. He did run for Congress in the overpopulated district, but he could be pictured as someone overly

ambitious. Most of the legislators who were just thinking in terms of, can I stay in the legislature, thought that it was kind of presumptuous to want to run off to Congress, particularly after you'd only served for maybe a term or two. He also happened to be, and I really don't know the reason for this, but he happened to be one of the people that didn't get along with his colleagues. Maybe he didn't go out and socialize with them. I don't really have any idea. He was just a thorn in their side. And he didn't even get sympathy from the Democrats because he was kind of an outsider. Most of the Democrats, I think this is true, at least a large number of the Democrats were from urban areas. He was a lawyer from, I think, Butte County, or something like that, way up in the sticks. His life-style was, you know, totally different from these people that were more urbanized, labor union people, or representatives of the few ethnic groups.

SONENSHEIN: So they were hardly going to stick their necks out for him.

HARDY: Yes. It's very easy, as you know, in any organization, to characterize the critic in an unfavorable light. That was done. I would say, in the case of Lock Waters, probably was done very gently. He didn't go out of his way, but he simply left it to other people in the legislature to tell the story the way it was.

SONENSHEIN: So when the reapportionment was completed, it was obviously passed rather easily with some Democratic support, presumably, perhaps substantial Democratic support?

HARDY: I can't remember exactly the vote, but it was substantial. Another thing that's interesting and I have to go back on this in my ultimate book--go into it in more detail--but I have the impression in terms of a cursory review of the voting on the bills, that some of the critics who actually voted against the assembly bill actually voted for the congressional bill. There were three bills. There was the assembly bill, the senate bill which basically did nothing, and the congressional [bill]. Now, in some cases the Democrats voted against two of those, but voted in favor of one of the bills. So Waters had, if you will, a shifting majority. I mean, some people would be. . . . You know, this may have been a strategy on his part, I don't know. But it seemed to me that there was a floating in and out of voting on the amendments in which some people, if they were consistent that this is a bad redistricting, would have consistently voted against the proposed amendments.

SONENSHEIN: So there were some Democrats who were actually content with the redistricting but did not want to be recorded as totally content.

HARDY: Right.

SONENSHEIN: And that was for party reasons or publicity reasons?

HARDY: Yes, I think that's true. Again, I certainly didn't do it in my dissertation because I didn't understand voting behavior in the legislature as well as I may understand it now. But it struck me as I was going back over the figures that there may be some relationship here that could be expanded on at a later point.

SONENSHEIN: When it was passed and signed, was it a very big issue that it was signed? In other words, was it considered of only moderate importance?

HARDY: It was regarded as rather a significant action because, and I don't know if this was the first time or the only time but it was certainly a rare occasion, before the governor signed the bill, he held a special public hearing or conference in which he asked Lock Waters and others to justify the bills. It's my understanding that this was in the governor's office, or some such. It's covered in the dissertation, but not in detail. I would like at some later point to see if there isn't a record of that press conference or whatever it was, public conference. And Warren asked for an explanation. With all the hubbub and all the Democratic complaint, why did some of these districts evolve? And he actually pointed to the Twenty-sixth Congressional District and says, "Lock, how can you justify this district?"

SONENSHEIN: Was this a charade in some sense, or was he really wondering how he could justify it?

HARDY: I don't know. But what he had to do, the way I read the situation, he, of course, had a lot of strong Democratic support. He'd actually won both nominations since '46. So he had a lot of Democratic friends. He had to go through at least some kind of an action to give them an opportunity to have their say. But as I've said previously, he was in an impossible situation. He couldn't possibly veto the thing if he aspired to be the Republican candidate in '52. But he did go through this exercise of letting Democrats and critics have their say, and in effect, put Lock Waters on the spot. "Now tell us what you did." And he asked Lock, "How did this Twenty-sixth District come into being?" And if I recall correctly, it's covered in one of the clippings. I believe Waters said, "Well, governor, that was what was left over. We did all the other districts, and then we suddenly wound up with here are three assembly districts, we need one more congressional district, so let's put them together. It doesn't look very nice, but look around them, they're all fairly compact." And although that can be kind of a facetious way of evading responsibility, there's a lot of truth in that from what I have discovered in terms of later reapportionment actions.

At the first, when you start making your initial negotiations in realigning the districts, they turn out to be reasonably compact and acceptable. But then as you push in toward the center, wherever the center may be, they become distorted. You have to link up these odd areas that are left over. They don't always come out looking very compact. So it depends on where you begin as to what's going to come out of the redistricting. And according to this line of thought, these three districts wound up at the end, left over, had to be put together somewhere, so you put them together. One of the stories that was told . . .

[End Tape 2, Side A]

[Begin Tape 2, Side B]

And so, one of the stories was that someone knowledgeable about the redistricting had a dream. His dream was about these districts that were being created and there were these three that were isolated. He had a dream that, you know, if we were to extend this one district over, it could connect with the district that's left over here with the one that's left over here and the one that's left over there. Now, if you look at the three districts, whether it came through a dream or not, that's exactly what they did. You had created one congressional district for Don[ald] Jackson in Santa Monica, you dropped off one of his

HARDY: assembly districts; that was the Sixty-first [District]. You had dropped off the districts in Cecil King's Democratic district which was heavily overpopulated and it was up here at the north of that district. You had realigned the old Douglas [then Yorty] district to make up for population deficits of Republican areas around to the north, and there was this black assembly district that was left in the middle of town. Now, by extending the Sixty-second down, the black district, to this leftover from King's district, and extending the leftover from King's district to the [Lester A.] McMillan district, you could link up the three by just extending districts. Now, whether that idea came through a dream or just looking at a map, that's the way it happened.

SONENSHEIN: It had some rationality to it then.

HARDY: And they were all leftover parts that you had carved away territory for other considerations. And, you ultimately wound up with these leftovers. I think that's covered in the '86 paper, maybe. I think I mentioned that.

SONENSHEIN: I'd like to move on to the impact of the 1951 reapportionment in the time we have left, about a half hour on this. Both on the system, in other words, in the '52 elections, et cetera, the literal impact, but also the impact on the Democratic party, both on the CDC and on the

party regulars, because you were very much involved in addressing groups. So let's talk about what happened first, in terms of elections, like the direct electoral impact of the '51 reapportionment, and then the indirect impact.

HARDY: Well, initially, the benefits to the Republican party were quite obvious, particularly on the congressional level. They did quite well in terms of the way they realigned the districts. They won a majority of the delegation and they kept it throughout the decade. However, on the assembly level, they were not quite as successful. I believe, because in order to please the incumbents, they had to compromise political strategy and they ultimately created a lot of districts that were good for the incumbents but not necessarily good for the Republican party, and particularly were not good for the Republican party once the Democratic party began to organize and the CDC counteracted and ultimately cross-filing was eliminated and so on. The districts on the assembly level were based on the old system of cross-filing, the old politics. The incumbents were old-time politicians of the thirties and the forties. They didn't anticipate the politics of the fifties. So ultimately the Democrats began to win one by one these Republican districts. Cross-filing was modified

considerably, the CDC began to organize, competition became a factor, and they ultimately were able to win the assembly and also the senate at the same time. There was a Democratic trend building. But it became more and more apparent to the Democrats that they were still stymied in the congressional, that those districts that had been realigned, free somewhat from the incumbent assemblyman syndrome, were much more effectively manipulated, to a large extent, by the constitutional factor of two and three in the L.A. area. So the Republicans were able to keep control of the Congress throughout the entire decade. Therefore, the redistricting was very effective on the congressional level, obviously not so in terms of the assembly level.

Now, the CDC, that is an entirely different story, separate from redistricting. They were motivated by the [Adlai] Stevenson campaign of '52 and all sorts of liberal commitments that they had at that time. But they, at the same time, recognized that one of their problems on the congressional level was redistricting. Therefore, they became determined that next time, it's not going to happen. Whether or not Burton's story is true, there were people reacting like he did, that they suddenly woke up in '51 and said, "We've been had and we better be prepared the

HARDY: next time. This game of redistricting has considerable impact." And so they began to talk about it. They began to put it on the agenda, and to the extent that the CDC shaped public opinion, they were getting the message out, at least among the political activists.

SONENSHEIN: Were they saying that the elected Democrats who had gone along with this either openly or covertly had sold out their party?

HARDY: I don't think that came up too often. I sometimes said it in my speech, which probably didn't make me very well received among incumbents. But many of the incumbents You're talking to the CDC, the incumbents were not there in most cases. They had won their seats, as I think I told you before, so they weren't worried about what was going on in the CDC. If these people want to go and talk about things, let them go and talk about it.

SONENSHEIN: They're a bunch of educated liberals, anyway, and they're never going to amount to anything politically.

HARDY: Yes.

SONENSHEIN: Well, let's talk about your speech, your basics. Now you said earlier on in our talk today that you gave . . .

HARDY: Oh, at least a hundred.

SONENSHEIN: At least a hundred beginning, actually, at the very start when you were at that political science class with the

daughter of a Democratic official. Maybe you could tell us a little about that speech, but then about how your basic speech evolved, what the meetings were like, how they were received, what kind of questions arose. Because you were obviously opening minds with a very new situation that they needed to be aware of.

HARDY: Well, I can't even recall the speech. I probably can go back and look at my notes that I probably have somewhere. But, basically, I think the gist of my speech consisted of trying to tell them why it was political, why it happened, and what could be done with redistricting. You may note that in my dissertation I developed a classification system which is reflected in these other things that I've continued to write ever since. Once you get an idea, you don't really change it very much. But I emphasized to them that the way they were being disadvantaged was that they were being concentrated in these large districts that distorted the outcome of the electoral system. And that one of the reasons the Republicans were successful is that they had successfully dispersed themselves sufficiently to win in areas that otherwise might be competitive.

SONENSHEIN: So what you refer to in your thesis as concentration versus dispersal.

HARDY: Right, right. And that has been a constant theme that I have been developing ever since. It still is reflected in

terms of my proposals for reform in the eighties. So I would go through and review the various types of gerrymandering, how people were concentrated here, how they were dispersed in other areas. Particularly, I used the Los Angeles example of these very small Republican districts, these very large Democratic districts. Then I emphasized to them in terms of hope for the future that although this was disadvantageous at the present time, in the late fifties, it provided a great opportunity in '61 because we could take those concentrated districts and split them up if we were going to have a new increase of congressmen. We would be able to split those concentrated areas and keep the small Republican districts where they were. That's basically what happened in 1961. I also, in the speech, emphasized the fact that I thought incumbent Democrats had not necessarily served the best interest of their party. Being at that time probably a way-out liberal, I expected politicians to follow ideals. You talk about good government and then you vote for a district that preserves you in the assembly and at the same time you vote for a congressional district that gives your people half the vote they should have. I thought that was bad. And I thought that incumbents were not serving the interests of their party, which in a CDC audience was very popular.

SONENSHEIN: Were you speaking to people who upon hearing you were almost in a state of shock to discover how concentrated districts could be and how dispersed districts could be? I mean, was there just no information base?

HARDY: No, no, no. I think most of them were aware. What I was doing, I think, was pulling it altogether in terms of an explanation. As a matter of fact, some of them would tell me incidents that they heard about how this district was created, or Jones wanted his mother in his district, you know, all sorts of little stories. They would sometimes come up and tell me little interpretations of what happened in their local area. But as is true of most people who analyze redistricting, they focus in their own little local area and fail to understand the overall significance. What I was doing was taking their local situation and then showing how it did have an impact on the total election system or the position of the Democratic party, et cetera. So they were not shocked at what I was telling them, but I think they began to see the significance of it when you put all this together in a package or a presentation. They were reacting to the fact that they knew in their district that it was peculiar in shape or that it was overpopulated or that the incumbent was not responsive, et cetera. But they didn't understand it in terms of the way a bill goes

through the legislature, the way the package has to be created, and things of that sort.

SONENSHEIN: What about any of the leaders, like Alan Cranston or any of the folks at CDC, had they got interested in this redistricting? Did they contact you at all?

HARDY: No. The people that tended to contact me were people in the CDC who were trying to work up a program.

SONENSHEIN: Like club members, basically.

HARDY: Club members and program arrangers. Some of them went on when the Democrats won in '58--I can't even recall their names--but some of the CDC people who called on me and relied on me for advice became people in the state administration, director of finance or something like that. Some of them became congressional candidates. I don't know if you've ever heard of her, but Rudd Brown who was a woman who ran against [Edgar Willard] Hiestand, a noted conservative up in the San Fernando Valley, she got me to appear several times to CDC clubs and talk about what had to be done to get rid of this Bircher in that area. So none of the "big people" in the party were responding or heard my speeches to my knowledge. Cranston, of course, was still active, but he was kind of a glad-hander attending conferences and he was not there to learn. He knew everything already, I think. I think that the speech

did have an effect on some of the party activists, in the Democratic party. But I also talked to Republican groups.

SONENSHEIN: Oh, you did? What was the general approach to them?

HARDY: I, basically, said the same thing to both of them. Basically, I was probably a little more idealistic then than I am now. I basically said, you know, the process has to be improved. I didn't know really how to improve it, except at that time to put Democrats in thinking that they would do a better a job. They didn't. But my presentation was, as far as I was concerned, strictly academic and strictly objective in terms of this is the way it is.

SONENSHEIN: This is how it happened.

HARDY: Yes. Which, again, I would emphasize was kind of unusual. Because most people would be satisfied with saying, "Look at the disparities between this district with 225,000 and this one with 475,000" and they didn't really know how that came about. So I could give them some kind of a practical explanation as to what happened.

SONENSHEIN: So even these Republican audiences were finding out something that they didn't know about before.

HARDY: Right. I mean, you know, a revelation. And it's still true. You know, when you talk to a public audience, and you explain some of the things that happen in the legislature, they're amazed that that's the way it

happens. I don't know where they're coming from in terms of how they think the legislature operates, but when you start telling them in terms of this is the way you get a bill passed and you have to do a lot of lobbying and you have to write a lot of letters and stuff like that, why, these people are surprised. What we as political scientists assume as old hat, they say, "My god!"

SONENSHEIN: It's all shock.

HARDY: Yes.

SONENSHEIN: So in the fifties then you're really spreading the gospel of what you've learned about the '51 reapportionment. And it's new information to a lot of people about how the political process works. Of course, the Democrats are about to begin to make their comeback by the 1950s. When did they do better with the congressional delegation? Would you say that it is not until after the '61 reapportionment that they were able to solve the problem of the congressional imbalance?

HARDY: Yes. I can't remember all of the changes that occurred during that time. But in '58, for example, in Los Angeles they picked up one seat.

SONENSHEIN: In spite of being such a huge Democratic year.

HARDY: Right, right. They picked up what was actually the old Nixon district that had become the [Patrick] Hillings

district. Hillings went on to run for attorney general or something like that. Some Republican ran and a Democrat slipped in in the landslide of 1958. In '60 he was defeated by a small vote. But then in another district the incumbent decided not to run for reelection. Democrat [James Charles] Corman ran and won in one of the Republican districts which, by the way, was the district that Charlie Conrad had created for himself.

SONENSHEIN: Oh, is that right?

HARDY: Yes. That's the old Twenty-second District. And when you interview Charlie Conrad, which you should if at all possible. . . . I told you that Charlie was very much interested in a lot of the detail and the maps and data, and had a pretty good sense of what was happening politically. Now, Los Angeles was going to gain some congressional seats and at that time the congressional district of which his assembly district was part consisted of four assembly districts. So as they realigned those districts, one of them at least would have to be taken off. So Charlie's was at the top of the district, so he expanded his district into more heavily Republican areas. Then in the growing San Fernando Valley there was going to be a new assembly district out there, so he saw to the creation of a new assembly district out there which

ultimately was tied to his assembly district. So there was a new congressional district of two assembly districts open. Now, Charlie, I'm sure, planned to run. Somewhere along the way, however, the Los Angeles Times decided to support [Joseph] Holt. I think his father was a big campaign contributor; I don't know really what his background was. But anyway, Charlie didn't get the nod. But Charlie had created the good assembly district for himself, so . . .

SONENSHEIN: He was fine, anyway.

HARDY: Yes, but I think his congressional plans were nipped in the bud at that point.

SONENSHEIN: That's the seat that Corman held until he lost to [Bobbi] Fiedler [in 1980]?

HARDY: Yes, and of course, it went through many metamorphosis during the various stages, but that was basically the district Corman won. In other words, during the fifties, although Democrats were winning at least 50 percent and in '58 I think they won 60 percent of the vote in Los Angeles County, they were only winning four of the twelve seats, except in the '58 [election], the one Democrat in the Hillings district. He was defeated in '60, but then Corman won in '60, so you still had five out of the twelve, with the Democrats having more of the total congressional vote during that period of time.

SONENSHEIN: Well, that might be a good place for us to stop because the next time we meet, we'll pick up with the 1960 period.

[End Tape 2, Side B]

[Session 2, May 4, 1989]

[Begin Tape 3, Side A]

SONENSHEIN: Dr. Hardy, where we left off our last interview, it was the conclusion of the 1950s when the Democrats were making substantial electoral gains but were having some difficulty getting those gains translated into legislative seats partly because of the remainder of '51, and we were about to go into your involvement in the 1961 reapportionment. As you know, we want to focus on the areas where you were personally involved and your personal insights. So maybe you could start by talking a little bit about how you then got involved. In the fifties, to remind the reader, you had been speaking to a large number of groups about the impact of reapportionment. There was growing interest. Then you became involved directly in the upcoming reapportionment. Maybe we could begin there.

HARDY: Yes, as I think I suggested to you, either personally or on the previous tape, I got involved in the '61 in a roundabout way. One of my students, an older student at Cal State Long Beach, obtained an internship with then

Assemblyman Hanna in Sacramento. This student was very interested in redistricting. We had talked about it at Cal State Long Beach and he also was aware of the fact that I had been talking rather actively to CDC groups during the late fifties. He wanted to become the consultant to the committee. He was a mature individual, probably in his fifties at that time, had been a longtime party worker, and he suggested that I go to Sacramento with him to talk with the forthcoming chairman, [Robert W.] Bob Crown.

SONENSHEIN: Do you remember the name of this intern?

HARDY: I remember his name is Fred, but I can't remember the last name. Frankly, I suspect he is dead now. But I can locate it for you, if you like. So we went to Sacramento for the purposes of trying to persuade Crown to hire Fred as the consultant, the ploy being that I had been an instructor of Fred. I had been active in CDC, I had good relationships with CDC although I was never a member of CDC, and that he and I would have a good working relationship between CDC and the legislature. So we had our meeting, and we talked about the problems that were involved. And after having talked probably a half hour to forty-five minutes, Crown, who tended to be a very impatient man, he didn't like to drag things out, concluded by saying, "Well, Dr. Hardy, if

I had the money at the present time to hire a consultant, there's no doubt in my mind that I would hire you." To which I immediately responded, especially with Fred sitting right next to me, "You misunderstood what we're talking about. I'm talking about Fred becoming a consultant. I've got a full-time teaching job, et cetera, and I don't feel that I can take off to be a consultant." And Crown responded by saying, "Well, I have great respect for Fred. I worked with him here when he was here as an intern working with Richard Hanna, but we have to do things exactly the way the Republicans did in '51. They had a Ph.D. on their committee as their consultant, we have to have a Ph.D. We cannot have any assertion that we hired--and this was no way a reflection on Fred--we can't be charged that we're hiring political hacks to handle the redistricting. We've got to have clean hands."

SONENSHEIN: OK, so his feeling was that your degree made it a nonpartisan, professional approach.

HARDY: Right.

SONENSHEIN: That they really wanted to prove that.

HARDY: And they wanted, that was one of the things that the Republicans stressed, that Hinderaker was above politics because he was a Ph.D. and he was a scholar in the field, et cetera. So the Democrats felt that they had to do the

and the energy of the system is given by

$$E = \frac{1}{2} \int_{\Omega} |\nabla u|^2 dx + \frac{1}{2} \int_{\Omega} |u|^2 dx - \frac{1}{2} \int_{\Omega} |u|^4 dx.$$

It is well known that the energy functional is bounded from below and

$$E(u) \geq \frac{1}{4} \int_{\Omega} |u|^2 dx - \frac{1}{4} \int_{\Omega} |u|^4 dx.$$

Therefore, the energy functional is bounded from below and

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same thing. But they didn't have any money at that time and so it was just kind of left up in the air.

Well, within about four months I received a call, would I consider doing it? And we ultimately worked out an agreeable situation. Now, at that time, in the late fifties, I'm not too sure who it was. I think it was the Ford Foundation [that] was sponsoring internship programs in state government. One of the people that had been working with Crown the previous year was [Louis J.] Lou Angelo. He is now in Sacramento. He used to work for the state personnel board. I'll get his connection and stuff for you in due time. Lou had been working in the preliminaries about redistricting, but they had to have the Ph.D. for the consultant. So the agreement was basically that Lou could be there full time, I would come up as often as possible, do a lot of the research in Los Angeles, be available for any academic consultation, et cetera, and basically, it worked very well. We kind of divided up the consultant functions.

SONENSHEIN: And were you paid? Did they find money to pay you for it?

HARDY: Yes. They paid, I can't remember what it was, a very nominal amount compared to what we ultimately will talk about in the seventies and the eighties.

SONENSHEIN: Let me just go back one second. Could you clarify Crown's role, who Crown was and what his role was in the process

such that he was the person contacting you or that you were contacting?

HARDY: Well, he was designated the chairman of the Elections and Reapportionment Committee. Why and how, I'm not sure, but he had already been designated to that position . . .

SONENSHEIN: Well in advance of the reapportionment plan?

HARDY: Well in advance, at least. . . . See, the Democrats, I guess, took control either in '56 or '58, and he was designated chairman of the Elections and Reapportionment [Committee]. I think one of the reasons was that he was a very popular legislator, well liked by members of both parties, very congenial. He was a Democratic Lock Waters. I mean, he got along with everyone and he laughed and joked and everyone could talk to him and felt comfortable and had confidence in his integrity. Well, this is contrary to what Senator [James R.] Mills says in his book on the Unruh era. But the way it seemed to me in hindsight that this worked was that [Jesse] Unruh was the leader. After all, he was grooming himself to be speaker. He recognized the importance of redistricting. He wanted a friend in the chairman's position that he could influence, and he also wanted people on the committee that would go along with the idea of making Jesse Unruh the Speaker of the Assembly.

SONENSHEIN: That was already part of the agenda then at this point?

HARDY: That was my interpretation. Now, Mills's book--you should read that--takes a different position. He says that reapportionment did not make Jesse Unruh speaker. I'm not too sure that I would go that far, saying it did make him speaker, but it played a very important factor because what he was doing is, he was building bridges to various members in the legislature that would ultimately vote on who was going to be speaker. And he was doing that in terms of Republicans as well as Democrats, because you were still. . . . We were moving into the partisan era of legislatures in California, but the old legacy of nonpartisanship had not died at that point. So there was a lot of cooperation still between the parties. And so Crown was put in that position partly because he was very likeable, I think partly because he was a good friend of Jesse Unruh and they worked well together. Now, whether this was something they worked out among themselves or with a group of people, or whether it was something that the speaker who was about to become a judge conceived as the way of transition in power, I don't know. That person, of course, is Ralph Brown. I don't know if he is still alive or not, but he might give you some idea. Did he decide to select Crown or how did he select Crown? However, from my assessment, and Lou Angelo can give you a better fix on

this than I since he worked with him day in and day out, my impression is that it is very similar to what I mentioned in the '51. Crown was the front man like Lock Waters. Unruh was a Charlie Conrad of '61. He is the one that really stayed on top of the details and really knew what was going on.

SONENSHEIN: But the selling of the package would be actually by Crown?

HARDY: By Crown, yes. And also, Jesse, who was very influential and very persuasive, played a role, too. But Crown was the up-front leader of the redistricting. Now, I might mention that one of the things that relieved me a lot of the detail in '61 was that the previous intern, Angelo, had become the co-consultant, or whatever he was called. I think he was called the executive director of the committee. Two new legislative interns came on the scene, one, a fellow named [Elmer] Rosco who was from Berkeley. He then went to the University of Nevada. I think he's probably still teaching there. The other one was Bruce Bolinger who was from USC [University of Southern California]. They were up there full time; they did all the work in terms of adding up precincts and all the things that had to be done by hand at that time. There was just no computer operation. Both of them should be interviewed relative to this. Bolinger is now city clerk, county clerk, or county registrar in Nevada

County up north. I happen to have met him at the March 3 conference and talked to him briefly. But he has a great deal of insight because he did a lot of the detail work. There were also a lot of other people that were working on the redistricting. Two notable ones are [Charles G.] Chuck Bell, a former member of your department [at California State University, Fullerton], and Madale Watson. Now, these two--Chuck was a graduate student at USC at the time, Madale was just a longtime political activist--they got together and they developed what were referred to as Bell-Watson units. Now, Bell-Watson units took all the precincts within census tracts, totaled them up to determine the registration of the census tract, and the general political persuasion of voting for Democrats or Republicans, et cetera. Again, a little more sophisticated than what we did in '51. We're now getting down to census tracts, a little more systematic. They took like census tracts and grouped them together, usually three or four, and they called this unit 1, unit 2 in Los Angeles.

SONENSHEIN: And this was no longer just winning or losing which was the original measure, but more percentage of the vote, so more exact in that sense.

HARDY: Yes. It was more sophisticated to the extent that you could be sophisticated with an adding machine and all the

rest at that time. They prepared a map for Los Angeles County. When you consider that Los Angeles represented 40 percent of the state, that was a formidable exercise and it was very valuable in terms of redrawing the lines, because. . . . I'm not sure whether you read this. Did you read the '86 article from the American Political Science Association?

SONENSHEIN: No.

HARDY: Well, there's a section in there about the sixties which explains the advantages that the Republicans had given to the Democrats by '51. Now, I'm sure no one conceived what was happening. But what happened was that what they did in '51 by concentrating Republicans in small districts and putting Democrats into large districts which was politically advantageous in '51 created a great opportunity for the Democrats with the gains that occurred in '61. Because if you had to create new districts, logically you would go to the areas that were large, or districts that were large. So you had these large Democratic districts you could cut in half because of their growth, and you could not only make another Democratic congressman, but you could satisfy a legislator who was in the assembly who wanted to go to Congress. So this provided a real field day for anyone who knew anything about redistricting.

SONENSHEIN: Proving once again what you said several times, the unintended consequences of reapportionment.

HARDY: Right.

SONENSHEIN: It seems to repeat itself again and again.

HARDY: Right. And as I mentioned to you before, there are a lot of people that go back over the event and they will interpret it as shrewd political strategy and it's not more than accident or just luck that something works out that way. It wasn't that you planned to stack all these kind of people in this district or that district, it's just the way it happened when you started negotiating with individual legislators. Now, Unruh was already developing a cadre of young people who were interested in politics who, I think, in some cases were also legislative interns on other committees. Two of them that I'll mention are a fellow named [Steven E.] Steve Smith and another one named [Lawrence] Larry Fisher. They were working, if I recall, with other legislative committees, but they were very close to Unruh and they were very interested in redistricting, so they were always around, you know, watching what was going on and talking about it. They were very politically involved and they could give you some insights. And Lou Angelo could probably tell you some other people. For example, he mentioned a few months ago someone in San Diego

who's now a lawyer that I ought to see when I start doing my magnum opus. But he can give you the names or I'll get the names for you. Now, the other aspect of the redistricting was the fact that it was, again, a decentralized operation. To the best of my memory Phil Burton took care of San Francisco. He was kind of in charge of making the realignments in San Francisco. [Tom] Bane, now still an assemblyman, was in charge of the San Fernando Valley/north Los Angeles area. His main interest was to create a congressional district for himself and, at the same time, protect Corman who had been elected in 1960 as a new freshman congressman from a normally Republican district.

SONENSHEIN: And that was the district that was supposed to stay Republican as you indicated last time. Corman won, anyway.

HARDY: Right. Corman, kind of by a fluke, won. And then, of course, there he wanted to stay. And so he, but particularly his administrative assistant whose name I can't recall, a woman, was in Sacramento very often and she would be pounding on a table, "You've got to do this for Congressman Corman. He's not going to stand for tearing his district apart." Now, the problem that was being created there by giving it to Bane was that there simply

[illegible]
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\mathbb{Z}^2 (resp. \mathbb{Z}^3) is a \mathbb{Z} -module (resp. \mathbb{Z} -module) with the action of \mathbb{Z} on \mathbb{Z}^2 (resp. \mathbb{Z}^3) defined by $n \cdot (x, y) = (nx, ny)$ (resp. $n \cdot (x, y, z) = (nx, ny, nz)$).

[illegible]

were not enough Democrats for two safe Democratic districts in that area that he was dealing with. So ultimately, and this is covered in the '86 paper in some detail, ultimately you had to create two marginal Democratic districts which at any juncture might very well go the other way. Now, initially both of them were won by Democrats in 1962: [Everett] Burkhalter, a longtime Los Angeles city councilman and former legislator, ran for Congress in '62 and won. He got tired of Washington in a short time and didn't run for reelection. Bane ran in '64 and even in the Democratic landslide of '64, lost.

SONENSHEIN: Who did he lose to?

HARDY: [Ed] Reinecke. No, no, no, I take that back. It wasn't Reinecke . . . yes, it was Reinecke. He lost to Reinecke, the only one of the few Republicans that won in '64. And at the same time, Corman just barely squeaked through and again he had another scare in '66. So the district was always a borderline situation because Bane was in charge of that. Whatever he wanted was going to go into the bill and he conceived himself to be an expert in the area. He didn't pay too much attention to the Bell-Watson units. He didn't pay too much attention to whatever I said about it; he knew the area. So that was incorporated into the bill. In San Diego, Mills was kind of supervising a few

Democratic districts that were available in that area.

Those are the ones that come to mind.

SONENSHEIN: What about the west side of Los Angeles? The nonvalley west side?

HARDY: Well, [Thomas M.] Rees, who conceived himself the heir to [James] Roosevelt in the old Twenty-sixth [District], was interested in re-creating the Twenty-sixth and making sure that it would be a step up, and ultimately that did occur. He was in the state assembly, went to the state senate before he went to Congress. But there is a classic example. The Twenty-sixth District, if you'll recall, is that very elongated district. It was stacked with blacks in the downtown area, it went over to the ocean and swept up through the Jewish areas in west Los Angeles.

SONENSHEIN: It was the classic gerrymandered district.

HARDY: Right, in that era of '51. Well, that was a godsend to the Democrats because they could take one of the districts, the Democratic Fifty-ninth [District], combine it with Rees's Sixtieth or Sixty-first, and make that a congressional district. They took the middle connecting district, [Charles] Charlie Wilson's district, expanded it so Wilson, who was going to lose his assembly seat because of population decline now had a congressional seat to go to. His assembly district could then be absorbed by Unruh who

would have a safe district for his political career.

[Augustus F.] Hawkins, who had been cheated out of a black district in '51, could then have a black district on the other side of the district. So you had one Democratic district that was being divided three ways and creating three Democratic districts. It worked in similar fashion in other areas of the state, but particularly in Los Angeles because that is where the Republicans had really done a shrewd job in '51 and created the playing field for '61. Now, you may also remember that three Republicans were eliminated, what I call elimination gerrymanders in 1961. Hiestand had the north part of the county; he was a member of the [John] Birch Society. [John H.] Rousselot had been elected in '60, a member of the Birch society, had the old Nixon district on the east San Gabriel Valley area. And then, [Gordon Leo] McDonough, the one in the downtown declining Republican areas, wound up with a more Democratic district than ever before. And they all lost in 1962.

Before I go further, I might mention a couple of other things. In San Francisco, the city and the county of San Francisco was only entitled to four assembly districts populationwise. They got five. Now, Burton always explained that as it was because the committee technicians or consultants--that includes me and Angelo and

HARDY: others--made a mistake. As we had created all of the assembly districts, we only planned for seventy-nine districts. We were juggling them around and forgot that we had eighty. So we wound up with only seventy-nine districts and at the last minute they had to give San Francisco the Eightieth District. Now, that's not my recollection. I don't see how we could have gone through the whole process and made that kind of a mistake, but that was Burton's explanation as to why San Francisco wound up with one congressional district that had two assembly districts, one that had three assembly districts. Well, the two small districts were in the area where Burton expected to go to Congress. So he had created for himself a very small congressional district in the heart of San Francisco. The other one, [William Somers] Mailliard's Republican district had three assembly districts. It was a considerable disparity between the size of the two districts. As you may recall, [John F.] Shelley was elected mayor of San Francisco, the seat became vacant, Burton ran in '63 and went to Congress, which we'll get back to in due time.

But here again the Democrats had taken the advantage of grouping the assembly districts, three Republicans and two Democratic assembly districts, but then when it came to

HARDY: one man, one vote and you had to realign, then you had to divide up the whole area again and it potentially jeopardized Burton. He recognized that potential and took the leadership which we'll talk about again in '63. The other thing I'll mention as a kind of a sidelight, I mentioned Steve Smith. During the negotiations, he watched what was going on and he prepared you might almost say a cartoon book in which he would take little pithy statements that people were making about redistricting, and he would cut out pictures from magazines. The one that I recall particularly was the governor being told to sign the bill and the picture was the famous King John [signing] the Magna Carta, all the people around him. Sign it! So you had this picture of King John, obviously Pat Brown, the legislature was saying, "Sign it!" [It was] kind of like what was happening to Warren in 1951. There was another one, I think it was a Marlboro man. . . . Can we interrupt here for a short time?

[Interruption]

SONENSHEIN: I want to hold it a little closer to you because I played it back and I want to be sure to get your voice very clearly. OK, you were continuing to describe some cartoons, one of which involved the Marlboro man.

HARDY: Yes, actually, as you can well realize, these were not cartoons but just pictures that were very familiar,

advertisements and things that you would see in newspapers. He just clipped out pictures in magazines and then put the little quote down below. The Marlboro man or something equivalent to that, it showed this cowboy on top of some hill looking out in broad spaces and he's looking out into the distance and he's saying, "Well, the line is out there somewhere." [Laughter] In other words, it was way off in a remote area. Another one, they had a picture of a very pompous queen or medieval queen pounding on the table and saying, "You can't do this to the king!" meaning this was Corman's assistant.

SONENSHEIN: Oh, the one you were describing before.

HARDY: Yes. You can't do this to a congressman. So it was a cute little scenario of pictures that everyone chuckled at in the legislature.

SONENSHEIN: I wonder if he saved them.

HARDY: Well, I don't know. That's what I'm suggesting if you can get ahold of him, he may have saved it. I have saved the quotes. I don't have a copy of the thing, but I do someplace have a list of all the quotes that were used and I can usually recall what the picture was. I'm going to re-create that at some point in the future.

So, now, you wanted me to say something about the relationship between the Congress and the legislature?

SONENSHEIN: Let me put it in a little context. When we were talking about the 1951 reapportionment, it was clear that the driving purpose of the reapportionment was the partisan national congressional issue. The Republicans were on the verge of having a chance of winning the House of Representatives. When you went up there what was the predominant concern: control of the legislature, control of Congress, or both? What was driving the reapportionment to the greatest degree?

HARDY: Well, I don't think you can say one was more dominant than the other. The Democrats, having only come to power in both houses for the first time in the entire century, were very squeamish about what might be happening in the legislature. And legislators were voting on their own districts, so that was a predominant consideration. They had been elected in the landslide of '58, some of them, or the favorable climate of the latter, the later fifties. They were a little apprehensive that the sixties might change. So they wanted to protect themselves against any eventuality. It was not like, we have won power and we're going to be here for twenty years. We better make sure that we're here by doing a good [strategic] redistricting. At the same time there were a large number of assemblymen who were interested in going to Congress and, therefore,

their main interest was, can you create a congressional district for me?

SONENSHEIN: Even in the cases you described, if the assembly district disappeared that they ran from, they would then be delighted if that led to a good congressional district for them.

HARDY: Right, right. And you see, one of the problems that was occurring in the middle of Los Angeles was, in typical fashion, the population was in relative decline. Therefore, you had all of these assembly districts that were low in population, that had to either expand out to get more population which tended to be strange people compared to the legislators in the middle of town, or you had to consolidate some of those assembly districts and if you weren't careful, you would be consolidating all the Democrats and transferring all the districts out to the Republican areas. So one of the best ways to do it, and Unruh psyched this out, I think, very well, by saying, "Well, you know, Charlie's always had ambition to go to Washington, let's send Charlie to Washington. Now, that creates an area adjacent to my district in this other small populated district, so we can divide up Charlie's district and we have two good assembly districts." The same thing happened in other areas.

SONENSHEIN: So, therefore, along the line of what you said in a great deal of your writing. . . . You first assess who really wants to go to Congress. You don't say that these people will get to go to Congress because there is a good district. You begin with five to six people who truly had congressional ambitions, and from there you build, in some ways, an assembly. Would this be accurate?

HARDY: Right.

SONENSHEIN: That was the starting point in some ways.

HARDY: Now, the contrast in '51, there was not as much interest in going to Congress, apparently, among Republicans in '51, as cementing the Republican districts they had and then creating some others that whoever ran could take advantage of. But in 1961, there was a whole, if you will, stable of likely congressional candidates. And in one of those articles it lists all of them, and I can give you a list of the people that were involved. An interesting sidelight, I told you that I was going up to Sacramento once a week or sometimes twice a week, so I wasn't there all the time. But it was very interesting that when I was there, people soon discovered that I was in the building. They would make a point of coming to me and saying, one of them particularly I remember, he would always say, "What's up, Doc?"

SONENSHEIN: Do you have any recollection of who that was?

HARDY: It was [Charles W.] Charlie Meyers who was from San Francisco who was obsessed with his district and being elected. But he would always come and say, "What's up, Doc?" and he wanted to see his lines or whatever. Of course, I didn't have the lines in San Francisco because I was working primarily in Los Angeles. I mean, that was the key to the whole thing and the area of my expertise and so on. But, you know, Charlie Wilson would corner me in the corridor and say, "How's my district coming along?" [Ronald Brooks] Ron Cameron, who was interested in the Rousselot district, "How's my district coming along?" They wanted to see the lines.

SONENSHEIN: What would you say? How much information would you give out at that point if they were within your area?

HARDY: Well, if I knew, I would tell them what I knew, but in most cases, it was still in flux. Nothing was permanent. I would simply say, "We're working on it. You know that Jesse is going to protect you" or "Bob will protect you" and that would usually suffice to placate them. In many cases, we didn't really know what the lines were going to be until the last minute, anyway. I mean, it's a constant changing of boundary lines.

SONENSHEIN: But they were nervous? There was a kind of nervousness there.

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HARDY: Oh, yes.

SONENSHEIN: And they thought that you had some specialized information that they couldn't get from Jesse Unruh or Bob Crown.

HARDY: Right. Right, which was probably not true because most of the information was with the people that were there all the time. I mean, they were talking about this a lot more thoroughly than I. Now, a few sidelights which may be of interest. Let's take the example of Wilson. Wilson was an assemblyman in an area where his district was being consolidated. There had been great growth; therefore, there were going to be districts created in the suburban areas and there were certain suburban areas that were Democratic or tended to be Democratic. So if you created new assembly districts out in San Gabriel Valley or out in the Norwalk area, and you gave the assemblyman the same number as he had in his district back in the middle of town, he could technically run as the incumbent and Charlie, for example, had the Sixty-sixth District. Now, there were going to be two new assembly districts created, one in the north of the San Gabriel Valley, one in the Norwalk area. Well, which one do you want to go to? Well, he looked these over very carefully and he always kept his options open. "Maybe I don't want to go to Congress. If I don't go to Congress, then I got to move out to this

district because my district has been consolidated." So that was a factor that some of them looked at, but particularly Charlie Wilson.

SONENSHEIN: But then when he moved, he could keep the number that he originally had, even though, actually, it was the Fifty-first, I believe, or the Fifty-fourth.

HARDY: No, his was the Sixty-sixth District.

SONENSHEIN: But the other one, in his old area, I mean, if the numbers had not switched, if he had not taken the Sixty-sixth with him.

HARDY: Yes.

SONENSHEIN: That's very powerful, so you could be running for reelection in the Sixty-sixth. That's very interesting.

HARDY: So, you know, that was his interest. Now, you mentioned the story that I told somewhere about the assemblyman. It happened to be [Vernon] Kilpatrick. Now, if you remember in the '51 redistricting, Vernon Kilpatrick had been a longtime legislator; I think since the early forties. He wasn't a lawyer; he was almost totally dependent upon his legislative operations. Now, in '51 they had to do the same thing, they had to consolidate the downtown area. Well, Lock Waters, Charlie Conrad, other people persuaded Vernon to run for [county supervisor or] the city council of Los Angeles which was actually, at that time, probably

more lucrative and better than the legislature. No, excuse me. I think he ran for the supervisor position. And although he was thought to have a good chance, he lost. So there you had Vernon who had allowed the liquidation of his district, or really didn't allow it, I mean, but he was persuaded that maybe he ought to go elsewhere, but now he wanted to be an assemblyman. So in '51 they created a new black district and they extended it into north Lynwood so that Vernon, a white, could have a home in the white area of this otherwise predominantly black district. He moved his number Fifty-five with him. He, therefore, in '52 was an incumbent in the Fifty-fifth. He won reelection and he continued to run for reelection. Well, now by '61 the district was becoming more and more black. It was also declining in population, there had to be an expansion, et cetera. So I suggested to him, "Did you ever consider moving from your present district and picking up one of these outlying new Democratic districts? We don't have to call it the Sixty-sixth, we could call it the Fifty-fifth, and you would have a new district out here in a new area." His response, as you noted in the article, "Oh, no, my people love me and I don't have any difficulty with the black district. My people love me." This you recall in the article, they loved him so much that they dumped him in the next primary.

SONENSHEIN: That was [F.] Douglas Ferrell that defeated him, I believe.

HARDY: Yes. Yes, I think so.

SONENSHEIN: So that's the background of the Ferrell picture. I never knew that.

HARDY: Yes. And Ferrell took on an incumbent and, you know, normally that was not successful. Now that, of course, leads into the next thing, the black push for a two congressmen-four assemblymen. [Mervyn M.] Dymally was very active and some other black leaders were very interested in pushing this, as was Hawkins who had been denied a congressional seat, potentially denied a congressional seat in '51, who still wanted to go to Congress. So, Gus, you can go to Congress. We're taking your area, two assembly districts, and you will have two blacks, but the blacks were not satisfied with that. They wanted four assembly districts, consolidating two assembly districts into two congressional districts.

SONENSHEIN: Let me ask you something about this because we've talked about this before. I came across a photograph of you in the Los Angeles Sentinel from 1961 where you are addressing a community meeting on the subject of the two-four plan. Do you recall any of your efforts in the black community, what was going on, and where you stood in this? Because the leadership, of course, was for the one-two plan rather

than the two-four. How did this all place you? Where were you in all this?

HARDY: Well, I, basically, took the position that the figures were not right. They were, and this happens in each redistricting, you're dealing with preliminary census figures, and certainly back in '61 we could not place all the blacks and we didn't have percentages of each census tract or each precinct. So the blacks took what they knew and said, "If you do it this way, you will produce two congressmen-four assemblymen districts." But actually, when you total up the population in that area, it didn't warrant two congressional districts. Plus, I'm not too sure that they knew where all the blacks were. But that is always a strategy on the part of anyone that wants to get more representation. They will use the most favorable figures that they can locate, even estimates and assert that there are enough people for that. Actually, when we get to '71 I'll show you how the same thing was done to try to get a third congressional district, a black congressional district. So anyone who is arguing for a new district will take the estimated population and build it to support whatever he or she wants to accomplish. That's what was happening in '61.

SONENSHEIN: Now, when you went to community meetings in the black community, would this come up and would you make . . .

HARDY: Actually, if I recall, that was the only black meeting that I attended. I still see that church off the freeway in the south central, north central area of Los Angeles. But during that time, and I suppose that was one of my functions as a consultant, I've often thought and I often expressed this idea that consultants really don't have that much decision-making authority, and especially when you look at it from the point of view [that] we have to have a Ph.D. as our front. Consultants serve as public relations people, experts that most people won't argue with because they assume that these people know more than they do. That usually makes people uncomfortable, but at the same time it's very good for the legislator to be able to send a consultant out to make a speech about such and such. So, you know, making all these speeches during this time, I think, was part of my role as consultant which kept me from Sacramento doing some of the decision making, possibly.

Now, another sidelight, and this again is covered in the 1986 article which you have to read to pull out the '60 information. The other interesting two-four plan was what the Democrats tried to do to the Republicans, only in this case, they took two congressional districts and put them together in one congressional district . . .

[End of Tape 3, Side A]

[Begin Tape 3, Side B]

The blacks were asking for two and four. The Republicans found themselves with two and four getting one and two, which is, of course, what the blacks . . .

SONENSHEIN: Ended up with as well.

HARDY: Yes, ended up with as well. Now that, of course, digressing back to the black situation, is what a minority community always faces. There are two approaches to redistricting, you either concentrate people or you disperse them. Now, if you aren't confident or you're trying to make your first step forward, the concentration gerrymander works best because it almost guarantees you a black assemblyman or a black congressman. Now, what the two-four people were advocating were districts that were dispersed in which you would spread the black population among two congressional districts. You would spread the black population among four assembly districts. But when you spread your strength too thin, you may wind up losing them all.

SONENSHEIN: Now do you think that if the two-four plan had been adopted, is it actually possible that no blacks would have been elected?

HARDY: I think there would have been at least one congressman elected and probably two assemblymen. I don't think . . .

SONENSHEIN: But no guarantee of that?

HARDY: No, no, I don't think there was any guarantee. If I forget this, be sure to remind me something about the Latinos when we get through with this.

SONENSHEIN: Yes. Good.

HARDY: Getting back to the Republican situation. There was a problem. Remember, the legislature is moving more in the direction of a partisan atmosphere. Unruh is trying to carve out his speakership. He is a committed liberal Democrat and that, of course, broke up the idea of the old camaraderie of the forties and fifties and back to, I guess, the 1920s. So the Republicans resented that; they didn't like it. They could see what was happening in the consolidation of districts. So some of them, following strictly a "we've got to all stick together" position, would oppose anything that Unruh suggested. Well, one of the ways to maximize your strength in what you get out of the redistricting would be to consolidate as many Republicans as you could, but it also was a very effective ploy in showing we can do it much more severely than what we were inclined to do. Now, whether Jesse intended to consolidate two Republican congressmen and four assemblymen, or whether he just threw this out as a ploy to scare them into cooperation, the ultimate result is some of

them cooperated. And if you recall in the Quinn analysis he talks about the legacy that was left over, and it resulted from the fact that some of the Republicans simply said, "Well, we better cooperate or we're going to be sold down the river."

SONENSHEIN: So the first plan that they saw was so devastating that it definitely increased their cooperation?

HARDY: Right. Now, the other thing is, the two congressmen that were being consolidated were [Glenard P.] Lipscomb and H. Allen Smith, both former assemblymen. They knew how the assembly operated. I think they had both been there in '51. They knew that the lines could shift to their detriment. They came and argued, "We're building up seniority." That's, of course, one of the things that incumbent congressmen always use, is the seniority is going to benefit the state so we shouldn't be too harsh. And that was generally a pattern that both the Republicans followed in '51 and the Democrats in '61: keep the seniority. At the same time, the four Republicans who found themselves together, two of them jumped ship. I think two, maybe even three, jumped ship because they wanted safer districts against the other people that were not cooperating. Now, [Joseph C.] Shell was the minority leader. One of the stories is that he not only was losing

his district, but he was so disgusted with the thing he would go for statewide office, and he did in '62. The other one that lost, [Bruce V.] Reagan from Pasadena or wherever he was from, he also made a statewide bid as an alternative. Well, you went through this process and that leads to another ploy that politicians use consultants for. After the impact of this hit . . .

SONENSHEIN: Of the first plan or of the revised plan involving the cooperation of the Republicans?

HARDY: The first plan. When these things began to hit home that now we're going to have two congressmen consolidated and the assemblymen, the politicians begin to bargain. Now, the Democrats could conveniently say, "Well, we didn't know that this was going to happen. It was just an accident. These stupid consultants didn't bother to check where the homes were." Although both in '51 and '61 that's one of the first things that was done. You make a map of where the incumbents live.

SONENSHEIN: So they knew very well where everybody was?

HARDY: I think so. Again, I can't recall in all the eighty districts and the thirty-eight congressional districts, I can't recall every step of the way. But as I have observed in later redistricting, I think the consultant often takes the brunt of what politicians actually did themselves. But

then you explain it away by saying, "Well, I wouldn't do that to you, my friend, even though you're a Republican. I wouldn't allow this to be done." So ultimately they negotiated it out. Some of the Republicans came around to supporting the plan. Now, both in '51 and '61 the ones who were doing the redistricting were very anxious to have a goodly number of the opposition on their side. Now, in most cases they could do that by giving them favorable assembly districts, keeping them in the assembly for the next decade. And the people who made that bargain really were not too concerned about what was going on with congressmen, as long as they did not want to go to Congress. So both the Republicans in '51 and the Democrats in '61 had a natural base to get opposition votes for the bills. That would give the illusion that this is not a rape of the Democrats in '51 or a rape of the Republicans in '61.

Now, another example of some of the things that go on in redistricting occurred relative to the downtown area. I can't remember the number of the district, but there had been a newly elected Democrat in an area that had formerly been Republican. With all the consolidation you were doing in the Republican districts, he might have a difficult time in the future. So I was given a problem: figure out how

HARDY: we can bolster this Democrat without too much difficulty. To say the least, it was a very difficult task. But I went to work [on it] and I came up with a proposal. When I showed the proposal to Crown, he looked at the district which was a very weird shape and he said, "I can't submit that to the legislature. That's positively obscene. It just wanders everywhere." What he would say in relationship to those in '81, I don't know. But anyway, it was skewed. It was a little odd shaped. But given the problem, you could create that district; it would protect the incumbent Democrat. When I get to my final magnum opus, I'm going to go back and look at that district compared to what came out. My impression is that my proposal was slightly modified, cleaned up, made a little more decent looking but, basically, what I suggested was the way the problem was solved.

Now, in that same area, you were consolidating McDonough's district. Well, you were consolidating the assembly districts which made up his district plus around there. So his district had to be realigned. It was a Republican district--you'd have to look at the map--squeezed in between a sea of Democratic districts all the way around. It was a miracle that he survived as long as he did, primarily because of incumbency, cross-filing

HARDY: initially and then incumbency and no strong candidates running against him. Well, his district was realigned so that it took in a large section of east Los Angeles. It becomes the [Edward R.] Roybal district. Now, that was not created as a Hispanic district. The Hispanics were not saying anything. The blacks were asking for districts; the Hispanics, to my knowledge, were not looking for a district.

SONENSHEIN: So there was no agitation?

HARDY: No agitation, no activity.

SONENSHEIN: Even in community meetings in L.A., there was none?

HARDY: Not that I can recall. Actually, when the district was created, the Democrats saw the chance of bumping off the Republicans. It's my impression that Unruh supported Fitzgerald, [William] Bill Fitzgerald at Loyola, a professor. And you might check with Fitzgerald on this; he may have more insight. But it's my impression that Jesse supported Fitzgerald. Roybal, of course, decided he was going to run. He was a [Los Angeles] city councilman at that time, and he won the primary. Therefore, the district became Democratic. A Latino was elected, but at that time the Latinos were simply not active politically. It would be interesting to go back and look at the headlines, [at] how much emphasis was placed on Latinos elected to the U.S. Congress.

SONENSHEIN: Well, he, Roybal, must have got a great deal of white support in order to win.

HARDY: Yes. Because the district was not predominantly Latino. I don't know exactly what the percentage was. I really don't know that because we didn't have that information. We were not creating districts on the basis of ethnic considerations, although the current line is that in '51 and '61, Latinos were disenfranchised because they were cut up and dispersed. Check back with Lou Angelo in terms of how much study was actually given to these ethnic considerations. My impression is that it did not play a very important role.

SONENSHEIN: So race was much more important than ethnicity?

HARDY: Yes. Eventually, the whole package came together. You might be interested in the public hearing, both in '51 the Republicans went around the state and had public hearings; the Democrats had to do the same thing. They did, they went around and got testimony from each city that wanted to be unified, and so on.

SONENSHEIN: Conducted by Crown, I presume, rather than Unruh?

HARDY: Yes.

SONENSHEIN: Crown was the inside man.

HARDY: Yes. But Unruh was on the committee, I believe, and so as a committee member he was there, or could be there. But as

is typical, these interim committees that ran around at that time, they were not always attended by all the members. But they gathered up all the information and finally we got the bill, and finally the bill was unveiled. Until that time, no one knew what the district lines were. And at the last minute, we had a press conference. Bolinger handled most of it in terms of answering some of the questions about the lines, because he and Rosco were really the ones that handled a lot of the technical work. The bill was presented. It went to the senate; it was presented in the senate. Crown testified, people objected, and the vote came out of the committee approving it. It went through the legislature very quickly. And if I recall, there was a speedup of the committee process. It may have been over a weekend that the committee met and passed the bill and it was sent to the governor. The one thing I recall was that after the meeting, or after the approval of the legislation, there was a great celebration at the then El Mirador Hotel, right across from the Capitol. The thing I always remember is that they played, "Never on Sunday." That was the popular movie at that time and the Greek music and clasping of arms and running and dancing together. Well, here you had almost the entire Democratic legislature, members of the

- HARDY: legislature, there and a great celebration. Some of them were going to Congress, some of them had districts for a decade, if not a lifetime, and everyone was quite happy. It was quite an occasion. The other little sidelight after everything was greased and it was going to be approved, we were in Crown's office and everyone was congratulating themselves. Charlie Wilson was going to Congress, Unruh was going to be speaker, Crown was going to be chairman of Ways and Means, and Burton could see the congressional seat down the pike in due time. Everyone was happy they were getting set. So I, in my typical fashion, made a facetious remark, "Well, what in the hell am I going to get out of this? I mean, you people have all of this." Well, Jesse turned to me and it was one of the big mistakes I made in my life, [of] which I have made many. He turned to me and said, "Well, what would you like?" Of course, I hadn't thought, I was just making the remark to make conversation. I really hadn't thought about it very seriously. He said, "Would you like to go to Washington?" And I said, "Well, I hadn't really thought about that." And he said, "Well, you know, the president, Kennedy, is still forming his government"—this is '61—"there are a lot of undersecretary positions, assistants, and otherwise available. I have some influence. If you want to go to Washington, I can probably line something up."

SONENSHEIN: Holy cow.

HARDY: And I, of course, thinking that my whole life was in the academy, said, "No, I want to go back and teach." I didn't want to get involved in that. And that's one of my great regrets. Because even though it would have been a short time, to have been involved in Camelot would have been a great experience and it might have led to a different academic career than what I had. Well, anyway, that's my story of 1961. Are there any questions?

SONENSHEIN: Yes. Let me pursue one other angle of this. You obviously worked to some degree with Jesse Unruh in this. I wondered if we could divert for awhile and just talk about your personal impressions and interactions with Unruh because he's one of the most important figures in California government. From when you first met him up through the '61 reapportionment, a little mini essay on that.

HARDY: Well, it would be very mini because, you know, I wouldn't say that we were ever very close, although I do think that he had respect for my expertise in the area. I had a great deal of respect for him because he was obviously a man that could get things done. He was a leader in the party. And I think the thing I would emphasize is that he was not only a brilliant strategist, in terms of planning things out, he was a man of tremendous intellect and one willing to spend

the time on the detail to master the subject. As we may or may not have talked about previously but when we get to Burton, we'll get into that in more detail. To my way of thinking, Unruh was almost a perfect legislator because he had a sense of strategy and what you have to do to get people to go along with what you want. But to control what they're going to do, you have to have the detail to lead them in the right direction. Now, if I may in contrast to Crown, Crown could not be bothered with the detail. I'll give you an illustration. Crown never wanted to talk about reapportionment or the job when he had dinner. He wanted to enjoy the dinner and talk about pleasant things. He didn't want to bring work to the table.

SONENSHEIN: So politics was not his lifeblood, then?

HARDY: No. No, he enjoyed company and he enjoyed power and influence, but he really didn't want to spend the detail or the time learning the detail. Now, in contrast to Crown, we had these Bell-Watson maps that would be spread clear across the living room floor, you know, showing the entire L.A. area. With Jesse--and Madale Watson and Chuck Bell can tell you more about this than I because they had more experience with him on that--but they told the story that Jesse would take off his shoes and in his stocking feet would be walking around these maps, you know, looking at

things and getting an idea of where areas could be carved out and things like that. He was on top of all the details.

Now as it relates to me, one time I came to Sacramento and he motioned to me, he wanted to talk to me. So I said, "Yes?" And he said, "One of the Republicans"—this was when we were negotiating the redrawing of the one-two for the Republicans—he says, "One of the Republicans wants this area back. He says that it really isn't that important to what we're trying to do to the Democratic district that we're trying to create for George Brown. What do you think?" Well, I looked at the area and immediately I saw that the effect would be to weaken the Democratic district considerably. And I told him that. And he said, "Well, that's exactly what I thought, but I just wanted to confirm it with the expert." That's the way he operated. He knew that he didn't know all the detail, but he had enough of the detail that he could ask the right questions, and he could pick your brain for all the detail that you had put in there for whatever reason you put it in there.

SONENSHEIN: And it must have made you feel valued as well, that he treated you in a good professional way, with respect.

HARDY: Yes, and he always did that. I mean, he obviously respected my expertise. Now, we will get into the breach

that occurs between Unruh and myself in due time when we get into the governor's business later on. Anything else about '61?

SONENSHEIN: What about Burton? Do you want to talk about Burton or would it be better to talk about Burton later on in a chronological way?

HARDY: Well, I can simply say Burton was one of the people that would always find out that I was in town and want to get my ear and want to talk. And as we will go into more detail when we get to Burton in Washington, his method of operation was to go almost around the clock. You'd work in the legislature all day and at six o'clock you'd go to Frank Fat's and have a few drinks and you'd eat and then you'd go back to his apartment, which at that time I think he shared with one of the other assemblymen, [John A.] O'Connell from San Francisco, who ran for Congress ultimately. We'd go back to his apartment, have a few more drinks, and talk about strategy and the detail. That was just his method of operation. And in the process of that, he, too, developed respect for my expertise, I believe. And as we get into the congressional, we'll go into more detail on that. Anything else?

SONENSHEIN: No. Let's move on. There were a couple of things in that same time period that we could briefly address since you

were personally involved. One was the L.A. city and something about Newport Beach. Maybe we should divert a little time toward that. That was the next thing that you did.

HARDY: OK. Now, I guess 1962 was the L.A., if I recall correctly, that was the year Sam Yorty was elected mayor.

SONENSHEIN: Sixty-one.

HARDY: Sixty-one. OK. He was elected mayor, [John] Jack Bollens of UCLA was closely involved with the Yorty operation. He was involved in city and county government, and he acquired a reputation of knowing quite a bit. So, apparently, Yorty relied upon him quite a bit to form commissions or committees to study different things.

SONENSHEIN: He was his Ph.D.

HARDY: Yes. And someplace, either in '61 or '62, Jack Bollens called and said, "The mayor wants to form a committee to study redistricting of Los Angeles city and to come up with some proposals to alter these districts to bring them more into line with population," et cetera. So Jack Bollens organized a group of scholars in the L.A. basin of which I was one. Bollens was another, and I'm not too sure, I think [Raymond] Ray McKelvey of Occidental was involved, someone from USC, a group of people who had some knowledge in redistricting. We had several sessions trying to come

up with proposals to realign the districts. Ultimately, Yorty backed away from it. I think the reason he backed away from it was something that will come up when we get to the governor's situation. Legislators resent executives entering into their area of concern. I mean, I'm a legislator, I'm elected from this district. Why should you care how my district looks?

SONENSHEIN: So this committee was not set up with the cooperation or approval of the city council?

HARDY: No, no, it was. . . . Well, I think if I recall correctly, the way Jack Bollens explained it to us, the mayor wants to gain the initiative on issues. He wants to have a group of experts in different areas recommending that this be done. Then he will go to the council and say, "This is what we should do." And though we met several times at the L.A. city hall, and talked about the issues. . . . As a matter of fact, I think some of my ideas about grouping census tracts probably were expressed at that time, things that I'm now rejuvenating in my period of senility.

SONENSHEIN: You must have been struck by the fact that they used registration rather than population as their basis. Did that strike you as rather strange?

HARDY: Right. Right. And that was one of the things that we talked about. Should it be registration, and so on. But,

the committee never got off the ground in terms of really making any specific proposals. A lot of talk, a lot of effort on the part of the mayor's assistant; I can't remember who his administrative assistant was.

SONENSHEIN: Eleanor Chambers?

HARDY: No, it was before that. Some man, and I can't remember who it was. But anyway, we never met with the mayor directly; it was always through this administrative assistant that was organizing, and Jack Bollens was kind of the real chairman of the thing.

SONENSHEIN: So it was a brain trust?

HARDY: Yes, which didn't get very far because it just wasn't practical. There was no compulsion. We were not under any court order to do anything. The city council members were perfectly happy with their existing districts, although they were very distorted in terms of population. The San Fernando Valley overpopulated, the middle town underpopulated. But no one was really concerned. Even the blacks were not stampeding for representation. The Latinos didn't say anything. They already had one on the council. So it really just fizzled. But we spent a lot of time in theory about this redistricting problem in the city.

Now, this is out of sequence. In '66 when I was involved in the Newport Beach. . . . That was a different

situation that the court decisions were starting. Though there was no order that this city realign, they could see the necessity of one man, one vote, or at least the pretense of that. So the city council called me and said, "Could you take our districts and realign them?" Started out with the idea, "We really don't care where the districts are," but then ultimately when you get down to moving people from one area to the other, it becomes an issue. Anyway, we came up with a proposal that satisfied everyone and they approved the experts' plan. The thing I would emphasize at this point, it was a very amateur type of operation. We still did not have computers. It was just simply taking the voting precincts and putting them together in some logical, compact fashion and trying to equalize out the population. So it was just a little exercise which wasn't really complicated because Newport Beach was predominantly Republican, and any way that you would draw the district, I think they were probably all Republicans on the council anyway. So there was really no political issue involved.

By way of contrast, again jumping far ahead, in 1988 the city of Glendale in Arizona had to create districts and they hired the Rose Institute. They did all sorts of computer work and came up with dozens of different things

HARDY: and finally, at the cost of thousands of dollars, came up with a redistricting plan. That will become more and more the case as the Watsonville, at-large, single-member district becomes an issue. But those two things that look good on a resume to show experience really did not amount to any serious redistricting effort, because you were dealing with basically nonpartisan matters. People were not really that concerned except the incumbents. Usually it was either dropped, as in the L.A. case, or was relatively simply settled, as in the case of Newport [Beach].

SONENSHEIN: OK. You had mentioned a little bit about 1963, although the next major thing will be your involvement with Governor Brown's intervention. Is there anything in '63 that you can think of that we ought to discuss?

HARDY: I think the only thing I mentioned in '63, Burton was elected to Congress in '63, a special election. He was elected to Congress and that sets up my involvement in redistricting on the congressional level, starting in '65.

SONENSHEIN: OK. So we could skip ahead, then, to '64 with the governor and then we could go from there to the congressional. That might be enough for today.

HARDY: Right.

SONENSHEIN: So let's talk about how you got involved with Governor Brown.

HARDY: Well, I got involved with Governor Brown simply by. . . .
I don't know if he was director of finance. He was
in. . . . Let's see, what was the guy's name that
was . . . the guy that's at Harvard now. He was executive
secretary to Governor Brown. Before that he was . . .

SONENSHEIN: You don't mean Champion?

HARDY: Yes, Champion, Hale Champion. His assistant, whose
position I'm not sure of, was in the [California]
Department of Finance and, as you may know, some of the key
people in the Department of Finance at that time were
really political agents of the governor. I mean, they were
kind of his political staff.

SONENSHEIN: I didn't know that at all.

HARDY: Well, you see, you would appoint some of these people to
government positions, but the bureaucrats would do all
their work and they would, in effect, handle a lot of the
political activity for the governor. This fellow whose
name slips my mind, ran for state senator in '64 up in
Shasta and Tehama. You could get his name or I'll get the
name for you. Jack Halpin called me and said, "We
understand that you know something about reapportionment,"
as it was called then, "and you know that we're under the

Reynolds v. Sims¹ order to, or we're going to be forced to, realign our state senate. The governor wants to have an expert who can give him advice on this subject."

Backtracking for a moment, in 1962 there was. . . . Well, you remember in '60 and in '62 [Frank] Bonelli, this supervisor in L.A., had launched initiatives on redistricting of the state senate. The first one went down to a sizable defeat, but in '62, L.A., for the first time, voted in favor of redistricting of the state senate. Now, there was a lot of interest on this. The governor appointed a committee on redistricting of the state senate. Hinderaker headed that committee. Now, one of the stories, and I really don't know this to be true, but one of the stories was that Hinderaker got the position as consultant because they wanted to make it a bipartisan effort, a Republican consultant with a Democratic governor, or whoever appointed this committee. That would give it a more nonpartisan environment. Whereas, although Jesse had at one point said that, "If Leroy wants the position, it will be his," I was not considered for whatever reason. But anyway, they had this committee that studied the matter

1. 376 U.S. 1 (1964).

HARDY: and they came up with what I thought was a ridiculous proposal. They, I think, came up with the idea that Los Angeles would get one more state senator to solve its problems. They studied a lot of things and came up with nothing. I don't think, Bonelli was satisfied with that. I think that led to the launching of the second initiative which was more successful, but not successful. Then you got into the courts, and the governor wanted to have a consultant to advise him. So this guy calls me. I was living in Laguna at that time. He calls and he says, "Would you consider being our consultant?" And I said, "I would be glad to assist in any way that I could." "We would be very interested in you coming to Sacramento and talking about this and laying out what needs to be done." Then he asked the significant question. "If the governor hires you to be consultant, will you be loyal to the governor?" Now, it had never occurred to me in my naive political science approach that a Democrat would not be loyal to the governor or to anyone that he worked for as a Democrat. And I was not aware of the deepening conflict between Unruh and the governor. The governor wanting or being urged to run for a third term, and Unruh being very anxious to run for the governorship.

SONENSHEIN: As far back as '64?

- HARDY: Right. And Mills's book gives his interpretation of the struggle between the governor and Unruh which is very helpful in this. But this was my first exposure to it. I get a call and they say, "Would you be loyal to the governor?" and my response was, not knowing what I was answering was, basically, "Anyone that I work for, I will be loyal to them. That's my job."
- SONENSHEIN: From your standpoint, you had just finished working for Unruh, so it was quite an open question.
- HARDY: Right. And they were, of course. . . . I don't know whether this is true or not, Unruh may have pushed me for the position that Hinderaker got. So it's in the governor's mind, "Well, now, Unruh recommended this Hardy. Now we're getting other people to say 'Appoint Hardy.' Is this guy loyal to Unruh or will he be loyal to me?"
- SONENSHEIN: And you never thought it was a question at all.
- HARDY: That was the last thing I would have been thinking about in terms of that situation. So I said I would be glad to work for the governor. I went to Sacramento, I was paid a nominal amount. Basically, it was just my expenses of going back and forth to Sacramento and the costs that were involved in the research that I did. The governor wanted a proposal: How do we handle this? And I came up with a proposal that in hindsight was ridiculous, but it made

sense to me at that time. I proposed that the legislature gradually be changed into a one-man, one-vote system. That we, in effect, establish a federal system within the state which would justify having state senators representing large areas within the state, delegate some of the authority back down to the county level and give them real autonomy within the governmental system. Therefore, they would have representation comparable to the U.S. Senate. That even if they did go in the direction of one man, one vote, that they establish a system of gradually moving into it. You don't just simply take the whole state senate and realign it. That you take the districts for the people who are coming up for election in '65/'66 and realign their districts, and then by 1968 you realign the districts to accommodate the ones that are going to be up in '68. It would be a gradual movement toward adjusting to one man, one vote. And I've got a copy of that someplace, but I'll have to go back and read it and see how idiotic it was. But anyway, I've got a copy of that. I submitted that to the governor. Well, the governor took this proposal, or Hale Champion took the proposal to the state senate and they hit the ceiling. Number one, why is the governor involved in our business?

SONENSHEIN: They never had a clue that he was in the process of preparing this?

- HARDY: They apparently knew, but they didn't know what I was doing. But they probably thought nothing was going to come of it. Then this proposal comes before them, and they not only say it's idiotic, they also say, "What in the hell is the governor doing in our arena?" And there are a series of clippings that came out about that time, especially in the Sacramento Bee attacking the governor for appointing a college professor to handle what the legislators should be doing. It's our business. Why doesn't the governor stay out of it?
- SONENSHEIN: Even though the legislature itself would have tended to hire the same college professor? It wasn't so much that it was a college professor, but that the governor shouldn't do it.
- HARDY: Yes, the governor should not be involved. So I, you know, made my advice to the governor. The governor then made me available to the state senate in terms of planning their lines and, you know, how do you go about redrawing lines.
- SONENSHEIN: Meaning that he would pay you, make you available to them.
- HARDY: Yes. Well, I was kind of on a retainer. Again, it was a very nominal amount, so I wasn't expected to do very much. But he basically said, you know, "We'll make him available to help you to the extent that you want." Well, by this time Rees had moved from the assembly to the state senate.

L.A. was going to have fourteen new state senate [seats]. The senate operated on the old system of your bailiwick is your bailiwick, just leave ours alone. So Rees took the initiative of proposing the realignment of the Los Angeles area and the other senators handled realignment of their areas. The senate was going to come up with their own plan. Well, Unruh got into the act and said this is something that concerns the assembly because several of our assemblymen will ultimately go to the state senate. We should have a role. And there were two plans, the Unruh plan for the state senate and the Rees plan for the state senate.

SONENSHEIN: That's quite remarkable for an assemblyman, given the culture of those days, to have a plan for the state senate. Right?

HARDY: Yes.

SONENSHEIN: That would have to be pretty new.

HARDY: And then, of course, the speculation was that Jesse was getting tired of the assembly. He wanted to go to the state senate. He wanted to run the state senate like he ran the assembly. All sorts of speculation as to who was doing what. So I worked with Tom Rees giving him some advice about the districts and how things might be done, more on the basis of technical expertise, how do you

organize your material, rather than in terms of drawing specific lines. At that time, I ran into [Robert G.] Dixon, the famous Dixon who wrote A Representative Republic. Do you know who I'm talking about? I can't remember his first name. Again, I can get that for you. But he became the noted authority on redistricting in the late sixties. He came to Sacramento and he found out that I was in the Capitol. I was in Rees's office and that's where I met Dixon who wanted to know my impressions of California redistricting. He was writing this magnum opus on Democratic representation.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

OK. So I met Dixon and talked to him about some of the problems. And I might also mention that on Rees's staff, or maybe it was Unruh's staff, I'm not sure whose staff was involved, but Vic Fazio, now the congressman, former assemblyman, served in one of those legislative staff positions. He's very knowledgeable about redistricting, probably about sixties in particular. So he might be one that you might want to get in touch with. And you might, I don't know how, if you concede that I might do the one, I may in the near future be in Washington. And Rees is now in Washington as a lobbyist. Fazio is a congressman. If

you were interested, maybe I could interview them, you know, if it's not convenient for you or someone in the local area to do it.

SONENSHEIN: Will you be back there before our meeting on July 19, [1989], or after?

HARDY: Oh, no, that would be after.

SONENSHEIN: Great. We'll put that on our agenda for that day.

HARDY: I just thought of that as we were going along.

SONENSHEIN: That's great.

HARDY: So ultimately the state senate was realigned. I think one that you should see on that would be former state Senator [Stephen P.] Teale who's still alive and he's up near Sacramento. He played a very important role in that. I think he was one of the guys that made a blast at me. But anyway, he knows a great deal about the sixties, the realignment of the state senate. I know something about it, but I'm not the expert on it, I don't think. If you have any specific questions I'd try to answer them.

Now, once we got through the state senate, we shift to the question of congressional redistricting. I've already mentioned to you that Burton had congressional aspirations. He got there in '63. Being interested in redistricting, he immediately picked up on the fact that these redistricting decisions in the sixties were going to

have a powerful influence politically. And he was especially interested because his was the smallest, or almost the smallest, congressional district. If you had to bring it into a relationship with population, he was going to be the one that was going to be affected by it. Now here again, it gets back to something I said before. The mark of a good legislator is one who anticipates the new issues and gets on top of the issue before it becomes an issue, because it gives you a lead. Now, all the other people eventually came around to the fact that redistricting is important, but Phil Burton recognized that, Jesse Unruh recognized it far in advance and they began to make preparations. Now this is speculation, but Jesse Unruh, thinking redistricting is going to be the thing in 1961, the speakership is coming up, not only saw that he got on the committee, but also that Bob Crown would become chairman. Now to what extent he was influential in the chair, I don't know. But he anticipated it and he was ready to operate. Phil Burton got on the committee because he knew that San Francisco was going to be carved up. He also had congressional plans, and so they anticipated.

Well now, in '63 Phil gets back there. The court cases start pushing toward one man, one vote. He realizes

HARDY: that at some point, the congressional districts are going to be realigned and he's going to be involved. So in 1965, and this was about when the governor thing was winding up, Phil calls me and says, "Would you be willing to come back to Washington to help the congressional delegation deal with the realigning of districts? I have told the dean of the delegation--that was Holifield--that you are the most knowledgeable person in this field. We have several other congressmen who are now here because of your work in '61 who believe that that is true." This was a lot of flattery to get me back there for virtually nothing. "And we want to talk this over." So I went back and was told to try some realignment of districts, what had to be done. Now, there were other people on the delegation, however, notably Charlie Wilson who was very close to Unruh. Unruh had got him to Washington. They were still the same areas of representation and stuff like that. He kept saying, "Well, Jesse says that we're not going to have to do this in terms of Congress. Why do anything if we don't have to do anything? Jesse will take care of us anyway, so we don't need any expert of our own." Now you can read that many ways, and I don't make any pretense of having the answer to it. One of the factors that may have been involved is, when I worked with the governor, that made me an enemy from the point of view of Jesse Unruh.

SONENSHEIN: At least suspect.

HARDY: Yes. Now Jesse never got along with Phil Burton. One of the things I left out in terms of the '61, which I'll pick up on later, is that one of the strategies for a person who is handling the redistricting, if you aspire to control the legislature, is to get rid of your opposition within your own party. Now, how better to get rid of them than to send them to Congress?

SONENSHEIN: Yes, kick them upstairs.

HARDY: Yes, you move them out. And one could take that position that that's exactly what Jesse did in terms of taking some of the ambitious people, George Brown, Phil Burton, Richard Hanna, people who might become legislative leaders on their own if they stayed in Sacramento, send them off to Washington either because you don't agree with them ideologically which was probably true of Phil Burton and George Brown. They were extreme ultraliberals, whereas Jesse was a practical liberal. But you ship them off. Well, when you ship them off, they still are grateful for what you did for them, especially in the case of Charlie Wilson. So he was the spokesman for Jesse and he would say, "Well, Jesse will take care of us." That was indirectly a slap at Phil, so that Phil could not carve out his little niche of expertise. Well so, '63 kind of fizzled. I mean, that was '65.

SONENSHEIN: Sixty-five.

HARDY: That really didn't get off the ground. We did prepare, however, a proposal and to show you the difference that takes place, we prepared a plan that brought the districts down to within 15 percent of one another. There was considerable variation because of the Burton district, two or three others, and some of the other things. So we brought all the districts down to 15 percent and we thought we were accomplishing a great feat of one man, one vote. Well, when that was prepared, Burton and [Harlan Francis] Hagen, I think is his name--he was from Kern County--and someone else, some Republican brought the package to Sacramento. Jesse looked at it and said, "We don't have to do anything. We're not going to do anything until we have to do something. Furthermore, your plan is very risky." Particularly, this had reference. . . . He was absolutely correct. One of the problems was not only the San Francisco area, but the problem of what do you do with the [Alphonzo] Al Bell district, the coastal, Santa Monica district? That was way overpopulated. The only way that you could take care of that overpopulation, just to bring it down to 15 percent, was to cut Democratic districts into the neck that went down to Palos Verdes, each one taking a little portion. Now, that map is shown in the '86 paper,

and the implications are talked about there. Excuse me.

[Interruption]

SONENSHEIN: You were just finishing by saying the neck would have to be cut by the Democratic districts.

HARDY: Yes. And so looking at that they could point out quite rightly that you were endangering several Democrats, particularly [Cecil R.] King who is now the dean of the delegation. I previously said Holifield was the dean; that's not true. King was the dean of the delegation, had been in Congress almost thirty years, was elderly, [and] had not worked his precincts in years. If he had taken a large chunk of Palos Verdes, he would have been done in. Charlie Wilson taking Torrance would have probably been done in. So it would have been very risky, but that was the only way you could bring the districts in line. But Jesse said, "No, we're going to leave them the way they are."

The result was that in 1966 you had the elections under the old congressional plan. And the three Democrats were defeated in '66. It was the Reagan landslide. The Democrats, however, still had the assembly, both houses of the state legislature. But Reagan was coming in as governor. Now, the courts someplace along there, I guess

it was in Silver v. [Jordan],¹ ordered congressional districts to be realigned. So you had to face up to it.

SONENSHEIN: Or the court would do it.

HARDY: Yes. So the congressional delegation got interested in doing it again. And much of this is covered in that article about the '67 redistricting. The problem was that the Democrats who were going to absorb that neck didn't want to absorb the neck after the '66 election. You now had three Republicans to be accommodated in previously drawn Democratic districts. So you had to go through and realign all of these districts to placate the three new incumbents, and to also satisfy the Democrats who were really scared after the '66 fiasco.

The '67 redistricting, I think it, in a sense, was my finest hour as an academician, not because I'm proud of the districts that were created, but the insight that it gave me into the legislative process. Because remember that I've said and contended that in the past, consultants in '51 and '61 were kind of the shams or the fronts for what the politicians did. I have taken the position that legislative leaders shape the bills. Consultants or their

1. 62 Cal. 2d 316, 46 Cal. Repr. 531, 405 P 2d 571 (1965).

staff organize the detail, but the consultant was not really bargaining out the negotiating in most cases. But in '67 I entered a rather unique situation because the Democrats—now, go back to '65. The Democrats were in control of the legislature. The Republicans were in the position that they were dealing with a Democratic governor and a Democratic legislature. The Democrats were in control, therefore, the Republicans were not in a bargaining position, and they were very thankful for anything that they got in the process. Well, in '66, they had the governorship, they had picked up three seats, they wanted to protect those three, things looked good for them in the state legislature, so they were not in the position of taking what Phil Burton or the Democrats would give them. They wanted to play a role. It had to be bipartisan.

SONENSHEIN: And that increases the role of the consultants.

HARDY: It increases the role of the consultant particularly in view of the fact that some of the Republicans were now becoming very suspicious of Phil Burton. They felt that Phil Burton was always doing things for the benefit of Phil Burton and the Democrats, and they were getting the crumbs. They felt that they should have an equal share in the say. You've got to protect our three Republicans. You've got to give us a little more in terms of

realignment, et cetera. So I came into the position of really being the negotiator of the legislation. Now, that doesn't mean that I could tell Phil Burton or H. Allen Smith what they had to do, but I was involved in the process of shaping the districts that would satisfy both sides. I was kind of working for both [sides].

SONENSHEIN: So you were an honest broker, in this case.

HARDY: Yes. And I think that is very helpful in establishing my reputation for what I'm doing in the eighties because people gained a confidence that I had integrity in terms of the negotiation process. I was not lying to them in order to get a Democratic way of doing things. So from my point of view that was a real educational experience in terms of the legislative process and how you have to bargain and deal. In effect, I had to come up with a piece of legislation. I had to bargain it through completely in terms of what people would take and then ultimately say, "This is what we can all agree to," which is exactly what a legislator does in terms of any piece of legislation.

SONENSHEIN: Right.

HARDY: So it was a very good learning experience for me, although it was rather arduous in many respects. Now, in that the negotiations were not always the easiest, there's an article that you should get hold of in the Wall Street Journal.

SONENSHEIN: Oh, I saw it referred to in one of your articles, where they had some misquotes and . . .

HARDY: Yes. And the quotes in there are priceless. I think that they're repeated in the '86 article. The one that I think is most interesting was something I didn't say but the Wall Street Journal writer put into my mouth. It sounded pretty good. What, basically, he said was, "Legislators are like people at a dance. They're all wall flowers until you get them starting to dance." They all sit around and they don't want to do anything, but once you get them into the act of dancing, then they want to dance and you can't stop them from dancing.

SONENSHEIN: And you never actually said that?

HARDY: No, no.

SONENSHEIN: It's a very vivid quote.

HARDY: Yes, it's a beautiful quote! [Laughter] And it's very descriptive. They didn't want, and they would do almost anything to avoid, redistricting. But once they found out that they had to do it and that there were certain advantages to doing it, then they kept coming up with ideas. "Well, you know, maybe you ought to give me this. Maybe you ought to give me that. Why don't we exchange this way?" They want to just keep going on with the dance. Finally you have to stop and say, "Look, we are at

the end of the line. You have to either have a piece of legislation and push it, or we're not going to have any legislation. Someone else is going to do it for us." So eventually some of the reluctant got on the bandwagon and said, "Let's go through with it. Let's push it." But they had to be pushed along. The Wall Street Journal article kind of pushed some of them in the direction, "We better do something to get this through or it's going to get into a worse mess than it is now."

SONENSHEIN: So the publicity made them think if it dragged on forever, it would be nothing but publicity about all the deals that are being carved out.

HARDY: Right. And we better just get it done and not have any more bad publicity. Now there's another thing that happened someplace along the way here. There was a "Victor plan"¹ that was proposed, and two of the congressmen, Democrats, who were reluctant--I don't want to mention their names--to accept Burton's direction, came to me during a period of inaction where it seemed we were not going anywhere. They came to me and said, "Could you prepare a plan that would be totally objective without all

1. A nonpolitical plan for compact, equally populated districts.

this folderol that we're going through in terms of bargaining this way and that way?" In other words, come up with a perfect abstract plan on how to do the redistricting. I said, "Yes, I could do that." I said, "What are you going to do with it?" "Well, we've got a friend of ours, Victor, who wants to go to the courts and say, 'Since the legislature has not acted, why don't you as the courts put this into effect?'" In other words, here's a model plan, and these people are fiddling away their time and they're doing all sorts of dastardly things. Why don't we just adopt this? Well, I prepared the plan. It was filed. I never met the man that was involved. I think I was paid \$2,000 to do the plan. I've got a copy of it someplace. Well, that plan being filed, plus the Wall Street Journal article, in effect, put the heat under the congressmen to say, "Hey, we don't want this ideal plan. We don't want more publicity about it. We better just get this thing over with as soon as possible." So there were lots of things going on that were encouraging the congressmen to get around to doing something.

Another thing that was done was that. . . . This is where Mills, state Senator [James R.] Mills, and former state Senator [Lewis F.] Sherman of Alameda might be instructive. They were in the state senate, they were on

HARDY: the committee. I think Mills was chairman of the committee to deal with redistricting. They were willing to go with the congressional plan. They would take the congressional plan and put it into the hopper and try to get it passed, if they were assured that the congressmen wanted this kind of a plan. So they came back to Washington. I came back to Washington. And they talked with their mutual peers to find out if this is what the congressmen wanted. Again, the congressmen were reluctant to act. One of the proposals that Mills took back to Washington was a district in one of the rural areas that in effect made an urban district in a rural area. If I recall, it was a district that stretched, oh, it might have been from Visalia through Fresno, Modesto, Merced, and Stockton. You know, all the urban areas would be clustered together in one Democratic urban district. Then you would turn it over to one of these Democratic congressmen who was representing a rural area. Well, as soon as that congressman saw that, he said, "I don't want to be an urban congressman. I want to represent my county, my rural people. They understand me; I understand them. I don't want to be an urban congressman that has to vote like Phil Burton," et cetera. So that kind of pressured him as a reluctant participant in the game plan to say, "Well, we better go along with the best

HARDY: thing that we have." That was ultimately the bill that was presented.¹ It was approved. The governor was out of town so [Robert H.] Finch, the lieutenant-governor, signed the bill and it was passed at the last minute in December of 1967 and that became the districts for '68 and '70. All the incumbents were pleased. [At least] I think all were pleased except one or two. Some of those districts are the most incredible early gerrymanders you can imagine, because in the parlance of the field, they were sweetheart bills. Sweetheart bills, you take your people from my district, I'll take my people from your district. So you had safe districts for Democrats, safe districts for Republicans. And you ultimately had established the basis for the congressional plan in '71. It worked as a sweetheart plan in '67 with the Republican governor, a Democratic legislature; in '71 they were to face the same thing. So it worked for us last time. We all benefited from it, why don't we do it again. That's what happens in '71.

Now, you asked me earlier about the question of what is the relationship between the congressional redistricting and the legislative redistricting.

1. S.B. 1, 1967 Second Ex. Sess., Cal. Stat., ch. 1 and 2 (1967).

SONENSHEIN: Right.

HARDY: Well, in '51 and in '61, my impression is that the congressmen from California did not play a very active role. Now, they undoubtedly called their friends and said, "I would like this done to my district," et cetera. But the congressional delegation was not coming with its plan for the legislature to take. They just anticipated that the assembly would take care of them. The assembly was really the one which did it because the state senate was so stacked. There was no redistricting on the state senate level, with minor exceptions. So the state senate just basically stayed out of it and said, "The assembly takes care of their own districts in the congressional districts, and we will approve." They didn't really look at it very carefully.

Now, when you get to the sixties and you're realigning the senate, it's becoming a different type of legislative body, they are very interested in the realignment of their own districts. They are not as interested in assembly districts. So the quid pro quo is, [the] senate takes care of its districts, the assembly takes care of its districts. Now, who takes care of the congressional? Well, if a leader in either the senate or the assembly wants to get involved in the congressional, they can. But

under normal circumstances they are so overwhelmed with their own problem of realigning eighty districts and forty senatorial districts, no one wants to take on the burden of creating whatever the number of congressional districts is.

SONENSHEIN: So there is a large vacuum of interest.

HARDY: Right. And the way the congressional districts had previously been tied to assembly districts and to counties made it rather difficult for the congressmen to be too influential in terms of what was going on. It was kind of, you do the assembly districts and then you put the assembly districts together to form the congressional. So the congressmen really don't have too much to say after the assembly districts have been created. The thing changes, however, when congressional districts do not have to correspond to assembly districts or senatorial. It becomes just a big grab bag and each house or each legislative body kind of agrees, "You take care of yours and we'll take care of ours, and then we'll put all three together and that's the legislation." Now you can see with that the power that Phil Burton was able to co-opt, because within the congressional delegation there was no one that was on top of the situation as much as he. And as is common in the legislative process, legislators trust one another, even Democrat to Republican.

SONENSHEIN: Within the same house, as I understand. They all have the same interest.

HARDY: Yes. They may be totally opposed to one another, but they have confidence in the integrity of the person telling them the truth about whatever is happening. And Phil developed that reputation. And even Republicans had confidence that he would live up to his word in terms of promises that he made.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

They easily acquiesce in leadership from wherever it comes. And so the relationship between the congressional bills and the state legislature changed over a period of time, from '51 and '61 into '71 and '81. It becomes much more complex. With the complexity it is not only more difficult to pull it all together, it also becomes very dependent upon a centralized operation in order for someone to take all this mess and put it together. Phil really made redistricting one of his key points of expertise and he developed a reputation that is almost incredible. In reflecting, I think we'll postpone talking about Phil until '71 and '80. But in reflecting on what we've talked about thus far, personally, I feel that I have been very fortunate to have been associated to even a limited degree

with the two most important legislative politicians in the last thirty years that we had in the state. There's no doubt that Jesse Unruh and Phil Burton are at the top in terms of what they were able to do, their mastery of the legislative process, et cetera.

SONENSHEIN: It's especially remarkable given that they weren't entirely allies. You were associated with both of them.

HARDY: Right. And when we get to '81 and after Phil's death, I'll tell you briefly how Jesse and I got back together. When we get to 1980.

SONENSHEIN: OK.

[Session 3, June 6, 1989]

[Begin Tape 5, Side A]

SONENSHEIN: Dr. Hardy, we left off our last interview with a completion of the reapportionments of the 1960s, and what we are going to do now is move into the very contentious 1970s reapportionment from the standpoint of your involvement which is, at least, largely based in the congressional reapportionment. Hopefully we'll talk a great deal about Phil Burton and some of the other relations with the state legislature and all that arose. So maybe you could begin with how you got involved in the whole seventies process and that might lead us into where we want to go.

HARDY: Well, as we were talking about the sixties and the end of the sixties, when we, in '67, had to redraw the congressional lines, my activities were moving more in the direction of congressional redistricting rather than the assembly and state senate. I found myself quite often consulted by people who were dealing with the assembly and the state senate, but I was not actually involved in negotiations and things of that sort. It was more my

expertise that was tapped as to what people needed for the redistricting operation. I was primarily involved with congressional redistricting. And the seventies continued the same unique situation that I described in the sixties, that is to say, we had a divided government: A Republican governor, we had a Democratic legislature by a slight majority, and that almost inevitably favored a bipartisan or sometimes called sweetheart bill to get redistricting passed between two segments of the government that were divided politically. Now, as you recall, in terms of the '67 operation, this was not unappealing to congressional incumbents who, I might say, are almost obsessed with the idea of seniority. And though they would prefer seniority in their own party, they still recognize the value of seniority for all members of the Congress of either party. Therefore, they are united in their interest in self-preservation. They are interested in preserving their seniority, but seniority for the state. And then you put that with a situation that requires a Democratic legislature to agree with a Republican governor, everything is moving in the direction of a bipartisan effort.

SONENSHEIN: And this would contrast with your earlier view of the legislature where sometimes a long-serving member would be the odd man out who would be removed to make room for

the reapportionment. That would not happen in Congress because of the great focus on seniority.

HARDY: That's right. Seniority was one of the main considerations for both political parties. And if you were to analyze very carefully the negotiation of the redistricting bills both in '67 and in '71, we were fortunate that no one had to lose if you came up with a package program. But in terms of the choices between what a senior member wanted and what a junior member wanted, there was no doubt that the senior member had priority.

SONENSHEIN: Of either party?

HARDY: Yes, of either party. And the freshmen, typically, both on the state level and the congressional level, are going to pay the price if someone has to pay the price. So we began with the assumption we were going to have a "sweetheart bill." I think that my relationships with H. Allen Smith and with [John J.] McFall, with Burton and other members of the delegation--those first three being the so-called committee that was going to handle the negotiations to take to Sacramento--that my, if you will, nonpartisan expertise that served them well in '67 rubbed off in '71. H. Allen Smith at one point, for example, told me that he had the utmost confidence in my integrity and that I was doing a job that was beneficial to Democrats and Republicans. So

although I was technically working for the Democrats, I was serving the delegation as a whole, and I had, I think, good relationships with almost all the members of the Congress, especially those that were interested in redistricting. Many of them were not interested because they realized there's not too much that anyone could do to them. But the ones that were interested, I think I had a reasonably good rapport with. The idea was to create a package that incumbents, Democrats and Republicans, would support. They would go to the legislature and say, "This is what we need to preserve congressional influence of California." They would get the approval of the legislature, then they would go to the governor and say, "We need these districts to preserve seniority." That was the general theory.

Going along with that idea of a bipartisan approach, there were five new seats. The agreement was basically that there would be two Democratic new seats, two Republican new seats, and the third would be a toss-up. Now the problem with a toss-up is, what constitutes a toss-up?

SONENSHEIN: By which you mean a competitive seat that either party could win?

HARDY: That either one would win. If you looked at the districts and what one you were talking about as the competitive one,

Republicans could argue, "Well, it may be competitive, but it's got a tilt to the Democratic side." The Democrats would look at it and say, "Well, it's tilted to the Republican side." So there was always a haggle of, "What are you talking about, the toss-up district?" But that was the general program that we tried to organize. Now, recognizing that you had to get along with the assembly and the state senate, again I emphasize the point that after the mid sixties, the senate became a factor after three decades of being insignificant on redistricting, because as long as the senate was intact with the one county limitation of representation, there was really no change you could make. But now, the senate was an equally important factor, and if the chairman of the senate redistricting committee was at odds with the chairman of the assembly, then you could have a problem in getting both houses to accept your program.

SONENSHEIN: I want to ask you, is this the period when two assembly districts equaled one, began equaling one senate district?

HARDY: No, that had been broken down in the mid sixties.

SONENSHEIN: Right. But at this point now, two assembly districts equal one senate district?

HARDY: No.

SONENSHEIN: Oh, OK.

HARDY: That provided two levels of operation and it ultimately was a way in which the two houses could get along, because the senate could draw their districts any way that solved their problems, the assembly could draw theirs. So there was no problem of pulling them together. As a matter of fact, one of the proposals coming up in the late eighties is that redistricting would require two assembly for each senatorial. I don't think many people have thought through the problems that would be created by such a device. Because if you had to create the two assembly districts first, and then allow the senate to combine them, the senate would, in effect, be acquiescing to the assembly leadership. On the other hand, if the assembly said, "You create your senatorial districts and then we will divide up the senatorial districts," they would be acquiescing to the senate. And although it may seem silly that there would be a rivalry between the two houses and a strong feeling about this, there is. I don't think that you could get through the legislature a legislative negotiated two assembly senatorial arrangement. Only by some kind of a nonpartisan device that puts it into place could you do that, such as it happened, through the court. But if you left it up to the two houses, I don't think you could combine the two very easily.

HARDY: But the point in the seventies was both houses had their own agendas, they were led by two people who were effective political leaders in their own right, [Henry A.] Waxman in the assembly, and Dymally in the upper house. Both of them were determined to make redistricting a factor in their political careers. They were going to be leaders in terms of the action. Now, you may recall that the problem that occurred in '71 was that the Democrats by a surprise, you might almost say by a fluke, won the legislature in both houses. That was a surprise to everyone. Now, the Republicans had already negotiated research material, they were already gathering material for the '71 coup [where] they were going to make the Democrats pay for what they did to the Republicans in '61, the reverse of the '51/'61. And then suddenly, the Republicans lost control. Now, the assembly committee had already started gathering data, and the question was, "Is the new redistricting committee entitled to the data collected by the previous committee?"

SONENSHEIN: Which was collected for the purpose of enhancing the Republicans?

HARDY: Right. But it was, presumably, standard electoral knowledge. So although the Republicans intended to use it for their own thing, it was still electoral information

that Democrats or anyone could use for political purposes. But that issue became very important in the negotiation of the redistricting bills, because suddenly, maybe in December of '70, the data was turned over to the Democratic staff. The Democratic staff said, "This is unacceptable data. It's untrustworthy. We've got to develop our own data base." Now, that action in effect delayed redistricting until late in '71. Now, normally what happened in '51 and in '61, you had the staff people working the year or two before, then you got to, let's say, '61, you negotiated the bills from January to March, you got the bills put together. You then presented them; they were passed in March or April, before the budget. Now in '71, they couldn't even think about starting to create the districts because they didn't have the data. So they kept delaying and delaying and delaying. Now the longer you delay in redistricting, with more options apparent to everyone, the more difficult it is to get people to agree.

SONENSHEIN: You don't have a single inevitable plan that everybody has to fall in place. Other plans can arise.

HARDY: Other plans can arise, and with the new technology, which is the new dimension that came in in full force in '70, you had the ability to generate all types of programs. It wasn't someone who was sitting in a back room with an

adding machine totaling it up and no one else would do all that labor; therefore, whatever he or she came up with was the plan. You now had people that could generate their programs left and right. And it made it more complex to negotiate any redistricting legislation.

Well, the congressional level was pretty well removed from that because we had a group of incumbents that supposedly were working together. All you had to do is take some rather basic political data and put it together to form these new districts. It was relatively easy. Now you needed to verify it, but the arrangement was that if the congressional consultant would help the assembly consultant group, and to some extent this was also true of the senate, you'd help them with organizing their data base, you could use the data base. Therefore, you could come in with your plans and run it through and see what you were creating. There was no reason for the congressional delegation to develop its own data base. Well, at the same time what you had found yourself with was a Republican data base that was being used on both the assembly and the senatorial level. You had the assembly data base, you had the senate data base, and all of these would lead to different types of analysis. Then people would argue over, "Well, your data is not correct."

SONENSHEIN: Why would the data be different?

HARDY: It wouldn't. Well, it would only be different by virtue of the accident of interpretation. I haven't had a chance to do this, but I've got all the data. Someday I'll do it. What I suspect is that when you analyze any data base, with all the sophistication you have at the present time, you are going to find errors. The reason you will find errors is that if you are processing the material through census tracts, you have to relate those census tracts to precincts. Precincts do not correspond necessarily with census tracts. So here you have these precincts that are on the edge, they appear to be one-third in, two-thirds out

SONENSHEIN: So how do you mark it?

HARDY: You divide them according to your formula. But if you really don't know the precinct, you may actually have given one-third of the precinct to one census tract, two-thirds to the other, when two-thirds of the population was actually in the first one because there were high-rises, apartment houses, and there were large, palatial homes over in this larger area. So there's a lot of guesswork in the scientific interpretation. I think any data base you're dealing with will have variation. But the point is, it's really not that significant. Because if you're dealing

The first of these is the fact that the system is not
 self-contained. It is not possible to run the system
 without a host system. The system is designed to
 run on a host system, and the host system must
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with, let's say, 500,000 people in a congressional district, and you're talking about 300 people in one precinct or 5,000 in one census tract, and there's a little variation, it's not going to create that much difference in terms of the total product. So what I'm saying is it's something that's not worth arguing about, but the technicians make it an issue in terms of their own ego involvement by saying, "My data base is better than yours." Now, if the politicians pick up on that and argue, "Well, the Republicans are incompetent"; "the Democrats are incompetent," et cetera, it just confuses the whole thing. But the congressional level was not really bothered by that because we were dealing in larger parameters and we couldn't be as precise and we didn't have the same kind of problems that they had in the assembly and the state senate.

Now, there were some real problems in terms of both the assembly and the state senate, but the experts that you're going to interview on those areas can tell you more than I can on this. Basically, what happened in the assembly—I'll just give you a couple of things if you're interested. . . . In the assembly, if I recall, the breakdown was thirty-seven Republicans and forty-three Democrats. Now, the Republicans were insisting on keeping

HARDY: thirty-seven seats. The problem was, you had this great growth in the outlying areas, such as Orange County. This meant that if you were going to keep the thirty-seven and two of the new districts were going to be Republican over in Orange County or someplace else, you had to consolidate Republicans in the middle of some metropolitan area, namely L.A. [Los Angeles], in order to compensate for the two you were going to give to the Republicans over in Orange County. That's the only way that you could keep the Democratic forty-three. Now, the problem was, who do you eliminate?

Now, if you were to read the Quinn analysis of this, you would note that this was not as difficult, and it goes along with something I told you before. You'd be surprised how people will agree who has to go, because there are some people that people just don't like, even in their own party. So if someone has to go, get rid of him. One of the interesting things was that the, I believe he was the most senior member, Charlie Conrad of the 1951 [legislature] was still in the 1971 legislature and the Democrats targeted his district because he'd been around for so long and it was logical that he should go. The reason that's interesting is that his district was then taken and put in an area where the Waxman-Berman machine

HARDY: was strong so that Howard [L.] Berman could become an assemblyman. So you were eliminating a Republican to elevate Howard Berman, a friend of Waxman, and Michael Berman was the consultant to the assembly committee. It was just crass politics in terms of who do you get rid of and who do you project into office. By the way, that is illustrated in that Latino pamphlet I gave you today. There were some other consolidations of that nature that were kind of complicated. And every time the Democrats would suggest this Republican would go, well then, the Republicans would say, "No, we don't want him to go. Someone else has to go."

You would also note that Republicans, having time to think over the redistricting, and they became more adamant as time went on, were not only dissatisfied with the fact they had lost the '70 election, they were dissatisfied with what the Democrats were trying to do to some of their own members. So the caucus, I believe, adopted a resolution that no member of the caucus would vote for a Democratic plan unless two-thirds of the caucus agreed to breaking Republican unity. Now, what that did was polarize the legislature before the negotiations began. What had happened previously in '61 and in '51, the leaders of the

HARDY: redistricting had their own agendas, but as they developed their own agendas, they went out and picked up members of the opposite party so that when they finally sprung their bill to the legislature, they already had two-thirds in favor of their legislation.

SONENSHEIN: And even if those people were called traitors, it was too late because the deal was done.

HARDY: Yes. And again, you have to recall that in the legislature, probably nothing is more valuable than one's word. If you promise that you're going to vote for a bill, even if you discover later on that it probably wasn't the best thing for you to do, particularly if all your colleagues in your party hate you for it, you've given your word and you better live up to that word or your reputation in the legislature is weakened. So by the delay that had been prompted partly by this data argument and building the data base, you allowed the Republicans to solidify which made the negotiations that much more difficult. They also, of course, had their own staff people, their own data base, and, if I recall, they came up with a Republican plan before the Democratic plan. That added fuel to the flames. You might also recall that in '71, I can't remember all the sequence of this, but a Democratic assemblyman [David A. Roberti] resigned. There was a

special election. A Democrat should have been elected, but a Republican, [Bill Brophy], was elected.

SONENSHEIN: That's Carley Porter's seat, isn't it, where Meckla . . .

HARDY: No, it was the Forty-eighth District, it was up in the Montebello, Monterey Park area, something like that. It was the seat that [Richard J.] Alatorre first ran for as assemblyman.

SONENSHEIN: Oh.

HARDY: He was defeated, unexpectedly. And then the next day, when you came to the legislature, the Republicans were sporting little buttons that said, "42/38 is correct," or something, "42 is fair." Previously you were talking about forty-three Democrats and thirty-seven Republicans. Now, the Republicans suddenly had these little pins that they were all wearing saying, "42 is correct." In other words, you've got to give us one seat because we won this seat. That was just totally ludicrous in terms of the fact that it was a fluke. But it entered into the negotiations and they reached almost childish games in terms of putting on buttons to reflect the new stance that the caucus was taking. The Democrats put on buttons saying, "See you in court." You know, that doesn't lead to traditional legislative negotiation.

Well, with the assembly in turmoil, the senate was almost as bad off because the senate, as it had adjusted in

the mid sixties to the new one man, one vote, had actually given the north a little bit more than they deserved. Now, by the time you got to the '70 population, clearly one of the northern districts had to go to the south. That was bad enough, and the Democrats, of course, said, "Well, we will consolidate a couple of Republican districts. Take that Republican district from the north and transfer it to the south." Well, when they started doing that, Dymally, who is a black, began to argue that Latinos must have their own senatorial district. So he was pushing for a new district in Los Angeles that would be Latino, and at the same time, getting into the congressional picture, he was pushing for a second black seat.

SONENSHEIN: And that would be the one that he would occupy?

HARDY: Potentially. It was a possibility, that wasn't certain. We may get into that later on. But anyway, Dymally, for his own agenda or whatever agenda that was, was seeking to be the spokesperson for the ethnic groups. So the senate was involved in this shift from north to south, the question of ethnic representation; the assembly was involved in, is it going to be forty-two [or] forty-three, plus Waxman's desire to have his friend in the assembly, plus all the other people that had to be sawed off in the process; and then the congressional [delegation] got

involved in that because you had to please both the chairmen of both of those camps. So you couldn't get involved in their actual struggles. You had to kind of stand back, give advice, but not play favorites to the assembly or the senate side. Now, Burton was in an unusual position here because he had good ties with both the chairmen. His wife was Jewish, therefore, he had close ties with Waxman. I don't think Burton ever voted against Israel on any issue in the Congress. He was loyal to liberal causes, Jewish causes. They were birds of a feather. I mean, there was just no reason why he would go against Henry Waxman.

SONENSHEIN: Were they personally compatible and close as well?

HARDY: Well, I would say that Henry was not a very personable type of a person where you develop a close personal involvement. I mean, he strikes me as being kind of distant, so it's kind of difficult for me to say they were close personal friends. They were friends, but I'm not too sure how close they were. They had common causes that brought them together. On the other hand, Burton's relationship with the Bermans was much stronger. For what reason, I'm not sure. I suspect that one of the reasons was that Burton was always fascinated with data figures. He loved to be able to manipulate the figures. He would spend hours; I think I've already touched on this. He

would spend hours with figures of moving population from here to there and looking at the maps. He didn't mind getting absorbed in all the detail that was involved. Of course, [Michael] Berman was equally obsessed with the same kind of data, so they had a lot in common in that respect. On the other hand, with the Dymally situation, Burton had always been a close ally of civil rights legislation. He was very much responsible for Willie [L.] Brown, [Jr.], becoming the first black [elected] in San Francisco. There's a black community in San Francisco that Burton relied on for his own organization. So he had very close ties with the black community. Ultimately, he would have close ties with the Latino community. I'm not sure that it developed at that stage, but certainly by 1980 he had developed close ties with Alatorre, partly because Alatorre was close to Phil's brother, John [L.] Burton. When he became congressman, Alatorre and John served in the assembly. They were kind of that generation in the assembly, and Phil, as the elder brother, kind of got involved with Alatorre and was, again, committed. It was a minority problem and it didn't make any difference what minority it was, Phil was always on the side of minorities. So Phil had very good relationships with both camps. He understood the strategy of trying to placate the

HARDY: Republicans and the Democrats with the various segments within the Democrats. He often boasted that his great forte in the legislature was being a strategist, that he could take a situation and plan the strategy of bringing people together to form a winning coalition. And he proved that time after time in the national legislature, and I suspect it was also true of his assembly experience. He was a master of finding out what people wanted. Once he found out what they would want, then he would go to no ends to get them what they wanted, but they would have to give him something in return. But he knew the priority that they had in mind.

A side story on that in terms of some of the negotiation. I think this was in '71. Yes, I'm sure it was in '71. One of the state senators, a very conservative state senator, was interested in going to Congress. [He was] a Republican. And one morning I was talking to Phil about, "What did you do last night?" and he said, "Well, I spent most of the evening dancing with the wife of this strong opponent," ideological opponent of his. And what he didn't say was, in effect, I was talking her ear off in terms of what so-and-so has to do in order to get his political wants into the congressional bill. That's just the way he operated. It didn't make any difference whether

HARDY: you were liberal or conservative, whoever, if a vote was involved, Phil would try to psyche out the priorities they had in mind and then use those to get, ultimately, his strategy through the legislature. And I saw that numerous times in the whole operation.

Now, without going into the complexity of how the bills got bogged down in the legislature and the ultimate threat of the governor's veto, then the proposal for a reapportionment commission finally developing a plan, finally having the governor veto the plan; there were so many endless programs going on, it's almost impossible to record them all. I think Quinn says that there were twenty-eight separate plans that came up. The thing that's rather unique, I think, is that there was only one congressional plan, to a large extent, and it held. It held largely because the congressmen were unified. The assembly and the senate were so busy with their own little problems that, I think, both of them were relieved to not have to get too much involved in the congressional.

SONENSHEIN: So you didn't cause them any trouble?

HARDY: We didn't cause them any trouble, and when they raised issues, we tried to accommodate them. Now, if you recall, I think it's in the '86 paper, when I was talking about the

development of an aborted gerrymander, Dymally insisted on a second black district being created.

SONENSHEIN: Congressional district?

HARDY: Congressional district. So we had to meet that demand since he was chairman of the committee. And because the incumbent black, Hawkins, was reluctant to give up too many of his blacks, even though he had an overwhelmingly black district--and this, again, is typical of legislators--trying to carve out a new black district was extremely difficult in terms of the numbers. The device we struck on was to take a strong pocket of blacks outside, predominantly outside of Hawkins's district, representing, if you will, the more successful blacks . . .

SONENSHEIN: Sort of more west side?

HARDY: More west side, and linking them up with the Palos Verdes peninsula, which was Republican. But, as you know, liberal Republicans and liberal Democrats living in wealthy areas, since they will not have to live with blacks, often are very strong supporters of freedom from discrimination, et cetera, and they are not unwilling to vote for a black person. So if you could balance the Democratic vote in the primary so that blacks would have a preponderance or reasonable preponderance in the primary, the black could win the Democratic nomination. If the district were Democratic, then the black would win.

SONENSHEIN: So presumably you'd need what, 35 [percent] or 40 percent black population to be assured that the primary would be a majority vote.

HARDY: Right. And I think it was built around 35 [percent] to 37 percent black. And that was the proposal. Now, that required pushing all the other districts, because you were building this in an area of relative decline. It wasn't like going into Orange County where you had surplus population and just carving out a new district where you had a bulk of over a million people. You were going into an area of decline, relative decline, and carving out a district, which meant that it had to push all the other districts out. It created a ripple effect throughout the Los Angeles area and complications for many of the other incumbents. Well, having worked out that very difficult negotiation to get the incumbents to move another direction, Dymally then insisted that it was not sufficiently black. Now, partly, one can suspect that what he was saying was that it was not the right type of black for him.

SONENSHEIN: Too middle class?

HARDY: It was too middle class, it was less organized, less developed in terms of his type of organization, et cetera. And at the last stages of the negotiations for the final

bills, almost incredible changes took place in that district, the proposed [Yvonne Brathwaite] Burke district and the Charlie Wilson district. Charlie had too many blacks, the other district didn't have enough blacks. Charlie wanted more whites and so they started juggling these districts back and forth. And then at the last minute, there was the possibility that a white councilwoman from Los Angeles in the Westchester area, I think it's [Pat] Russell . . .

SONENSHEIN: Russell, sure.

HARDY: She was going to wind up in the district, so she might run in the Democratic primary against a black woman, and if you had too many whites, then that might jeopardize Burke's chance. So you had to balance all these factors and it actually took place in the last few hours of the negotiation of the bills. I mean, we're talking within the last six hours of preparing the bill that you were still changing lines between those districts to balance out the demands of Dymally, to protect Charlie, to protect the interests of Burke, to prevent Russell. . . . All of these things got tangled up and you were just shifting census tracts back and forth incredibly.

SONENSHEIN: Let me ask you a question about this now. Burke would be more the type of candidate who could win in a middle-class

district, also allied with the faction in the black community that's not very friendly toward Dymally, the [Thomas A.] Bradley bunch. Now, when you say you were taking care of the interests of Burke who was, I guess, in the assembly at that time, and that Dymally would not have particularly wanted to take care of her [Burke's] interests . . .

HARDY: No.

SONENSHEIN: So, in other words, it was not, when people were sitting around talking about this, they weren't saying, "Let's get Burke this congressional seat," because Dymally would not have wanted to stick his neck out. Is that correct?

HARDY: Right, right. But you see, Dymally recognized that you had to please Waxman. And although not a significant section of Burke's district, but some of Burke's district was taken for the Berman district that was being created, and so you had to get Burke's vote in the assembly. You also had to get rid of Burke to accomplish some of the other juggling that was going on in the assembly, so her vote was crucial. At the same time, Dymally's interests were crucial, and you had to kind of balance them out. Now, you talk about a group getting together and making this decision and you're arguing over who is it going to be, et cetera; it wasn't a group. It consisted, I'm not too sure, I'd have to go back, but I think it consisted of about five

technicians making the decision. Now, we knew what our bosses wanted, what they demanded, but we had to work out the census tracts. And it was a last minute effort in the hands of bureaucrats.

SONENSHEIN: This was in Sacramento?

HARDY: Yes.

SONENSHEIN: That's yourself, and who were the other technicians?

HARDY: Well, one of them was [Alan] Rosen who was there; he was the senate consultant. I think one of the others was [Willard] Walt Murray who is now an assemblyman from the Compton area. He was on Dymally's staff. There may have been someone from the assembly side, although I probably, since it was congressional, I probably was taking care of that. But the point I'm getting at is the very limited number of people and we were basically not legislators negotiating, we were bureaucrats handling what legislators normally would have handled.

SONENSHEIN: It was a bureaucratic, smoke-filled room?

HARDY: Right, right. And we now had a computer. We could push these things in and, you know, it would spontaneously say, "Now you have 38.2 percent black." You switch this one, now it's gone to 39.5. So it was becoming more technical, more removed from legislative decision making, and more in the hands of bureaucratic technicians.

Now, the bills got through eventually. They were vetoed. If you were to look at some of the districts that were created on the assembly, especially on the assembly side, well, even on the senatorial side, incredible districts. I mean, the congressional looked bad. I would not boast that any of them were beautiful, compact, contiguous, et cetera. But what went on in the assembly level and the senatorial level is just almost unbelievable. I attribute this to the fact that the people who were drawing the lines were enamored with technology. They were really, I've said at one point, just like kids playing with a new toy. It could unravel so many possibilities and they could just keep going and going to perfect these districts to a fine tune, to make it so Democratic, so Republican. Well, the bills got through, the governor vetoed them, and the courts ultimately said that the election time is coming up, we've got to get into voting. We will allow the old assembly districts and the old senatorial districts to remain for one more election. And the first agenda item for the '73 legislature will be redistricting. It so happened that in terms of the Congress, they could not allow the old congressional seats to stay because you had five new congressional seats. So you really had either the old congressional districts and

HARDY: five at large which was now forbidden by, I think, House rules, or you could elect all forty-three by at large, which is idiotic. So the Congress petitioned, and the courts accepted the idea that they would allow for one election, the congressional plan that had been passed by the legislature and vetoed by the governor. So the congressmen, in effect, got what they wanted and the reason they got it was because they had this package deal that they were able to ultimately get through the legislature. And largely this package was the result of Phil Burton's persistence and his driving energy. McFall, a very nice, moderate Democrat, senior Democrat; H. Allen Smith, equally senior member in the legislature. They both came at the same time, I think [it was] in '54 or '56. They were not detail men. They were just . . .

[End Tape 5, Side A]

[Begin Tape 5, Side B]

SONENSHEIN: OK.

HARDY: So the two, if you will, official chairmen of the committee, one representing the Republican, one Democrat, were really not detail people. They were very good for negotiations. Remember back as early as '51 I was taking this position. I may be wrong, but remember I said that Lock Waters was the negotiator: he got along with people,

he could get them into the room and converse and negotiate. On the other hand, Charlie Conrad was absorbed in detail and he sometimes would get lost in detail. The same thing was going on in '71 and the same thing in '67 that the two nominal leaders of the organization or the group were not that involved in the detail. On the other hand, Burton absorbed himself in detail and that's what made him such a great legislator over his legislative career. I have often pointed out, or I should say, it has been pointed out to me, that one of the reasons why Phil Burton was so effective in many areas of legislation is that he acquired an expert in the areas of his expertise. And I suppose I would be in that category as his expert on redistricting. I was once described by one of the congressmen, and I don't think it was necessarily flattering, but he referred to me as Phil Burton's personal computer. [Laughter] Meaning that I had a lot of this material in my head that I could react to with reasonable good estimation. You always, especially when we got into the technical aspects of redistricting, you had to go to a computer to prove my point, but I could psyche out various areas that were Republican or Democratic or what would generally happen if you combined these two areas just on the basis of my impression. And I happened to be the

HARDY: person that Phil Burton relied upon very heavily for his redistricting information.

Another personal aside, I once went back to Washington, I think this was in the '70 experience, at considerable inconvenience in terms of my teaching schedule and everything. And I was very frustrated because when I got back there, Burton was involved in another legislative matter and couldn't talk about redistricting. I had flown across the country, I was ready to do certain things, and I was stymied because Phil could not break loose to talk about redistricting. One of his aides said to me, "Well, Leroy, you've got to recognize that this is not Phil's week for redistricting."

[Interruption]

"Phil goes week to week and when he moves from one topic to another, he totally absorbs himself in this problem and he cannot be bothered with the people that are coming in with other issues he's interested in." I can't remember what the issue was. I think it was something about Northern Ireland and why he was interested in Northern Ireland, I didn't know. But he had someone who was an expert on foreign policy as it relates to Northern Ireland. He had an expert in terms of the island territories in the Interior Department supervising the islands overseas. He had me for redistricting. He had someone in social

HARDY: security, some aspect of social security he was especially interested in. So that's the way he made himself an authority in all of these areas. What he would do is, he would bring you in and he would tap your mind and he would spend as long as it took trying to absorb everything that you knew about the subject. He would saturate himself with the topic. Then when he would go to other congressmen and argue about the point, he could run circles around them. It was often said in terms of redistricting that he knew the congressmen's districts better than they did because he would look at the voting statistics, he would look at the areas, he would look at the cities, he would look at the demographics of the cities, et cetera. So as I would come in and talk to him and he knew he was going to talk to Jones, he would try to pump me for all the information I knew about Jones's district. He would absorb it and then he would go and make his case with the congressman.

SONENSHEIN: Did you see him do that? Did you witness him do that?

HARDY: Oh, yes, yes.

SONENSHEIN: What would be the effect on them?

HARDY: They would just be awestruck. I mean, they would be speechless, you know. Sometimes they would ask questions, but then if they would ask questions that he couldn't answer, at that point he would turn to me and say something

about, "Now, Leroy, don't you know something about that?" and he hoped that I did know something about it. But he, if you will, had his personal computer about each one of these topics. Now he didn't become expert in all areas, no one could. But he had a few areas that his expertise was unquestioned. Republicans would come to him and say, "What's the story?" and he would tell them. Now, that again is a very important aspect of the legislature, that legislators cannot be trained in all areas. They have to have confidence in their fellow legislators, preferably in their own party, but they also go outside their own party to people they know will tell them the truth. It's the old story of a lobbyist who is effective only to the degree that legislators will trust his information. Any lobbyist that's effective knows that he could bamboozle a legislator into going along with his bill by giving him false information but, eventually, that false information would come back to the legislator and the legislator would never trust that lobbyist again. So you have to build an integrity in terms of your word and a respect for your competence. And that's what Phil did in terms of redistricting. He could run circles around these people in terms of what was going on in their own district, what was possible, what was feasible. Sure, sometimes he fudged a

HARDY: little but he, basically, was honest and forthright and he was respected for it. Sometime you ought to glance through the volume that was published about him at the time of his death where they publish for each legislator a volume of, well, I guess in most cases they don't publish a volume, but in his case it was a volume of all these legislators from both sides of the aisle who vigorously opposed him on many issues, the compliments that they said about his unique abilities as a legislator. And he would always push a little further than most people would push in terms of an issue, in terms of gathering information. He would be willing to spend many more hours than most people would do. I'll give you, again, a little side story.

At one time I was in Washington, I can't recall exactly the occasion. He was having a reception, however, at his home and he told me to come to the reception. I said, "Why?" and he said, "I want to talk to you after the reception." And the reception probably started at six o'clock and it didn't end until eleven [o'clock]. And you've heard the stories of his drinking; he had a tremendous capacity. I don't know what the nature of his capacity was, but he could drink more than most people could and at the end he was still ready to work. And the story that I'm telling you is that we waited. I, at nine

HARDY: o'clock said, "Shouldn't we postpone this until tomorrow?" He said, "No, wait. Wait." I waited until eleven o'clock and everyone had left and he said, "Now, get out your maps." So here we were spreading these maps over his living room floor, going over them in terms of working over new districts, et cetera, and finally at one o'clock I simply said, "I cannot continue." I said, "I have got to go home." So we closed up shop. But that's the drive that he had in terms . . .

SONENSHEIN: And had you been willing to work more, he would have continued?

HARDY: Oh, yes, he would have stayed up all night, you know. I had come in on the so-called red-eye special, so I had two nights of not sleeping, so I was a little weary and maybe I didn't have the health that he did either. But that was just his nature. Another aspect was that with all this mass of information that he had, he would tend to wear a person down. He wouldn't let you get away. You would say, "Well, let's think about this tomorrow." He would say, "No, let's settle it tonight," and he would keep talking and talking to the point that you would finally say--now remember he's talking to legislators where their word is gold--he would get them to the point that they would say, "OK, let's do it that way." The next morning they might

wake up and realize that they shouldn't have done it or that maybe it wasn't the best thing; but they agreed to it, therefore, they would stick with it. He would do the same thing. Now, remember what I told you earlier about how he would find out what people wanted, what was most important to them, and with that in mind, he would make compromises to get to what they wanted. Now, they didn't like some of the things they had to compromise along the way, but he knew what their principal interest was.

Another example of why he was so effective. His wife, Sala, who ultimately became a congresswoman in his place, Sala was a full-time worker for Phil. He was not only putting in his sixteen-hour-day, she was putting in her sixteen-hour-day. I think this is graphically illustrated by one of the examples of some committee that he could not attend because he had another committee meeting or some other obligation. Sala would go to the committee meetings of his own committee when he would not be present as well as other committees that he was interested in and sit there and listen to all the information and also she was a very shrewd woman politically. She could read people very well in terms of whether they were going along with what the speaker was saying, or that the person was reluctant to believe what

HARDY: they were hearing, or that there was a doubt in their mind. Well, she was filling in Phil with what legislators were doing in other committees, their reactions. She was finding out what made people tick which she would then convey to Phil. Phil would use it in his own negotiations in his own way.

SONENSHEIN: Did people realize the significance of her role?

HARDY: I don't think so. I don't think so. Although the fact that when she finally became a congresswoman, she ultimately was elevated very shortly to the Rules Committee, was indicative of the fact that they had a great deal of respect for her. But I don't think many people were aware of all the legwork she was doing for him in the legislative operation.

SONENSHEIN: Did you deal with her directly in any way through all this?

HARDY: Well, yes.

SONENSHEIN: Was she part of the looking at the maps and all this kind of stuff?

HARDY: No, she would go to bed and forget about it. She didn't, you know, really absorb all the detail. She knew that it was necessary and. . . . Well, let's put it this way, she knew that Phil was taking care of that. She didn't have to clutter up her mind with figures because Phil was on top of that. Now, there were the other secondary things that Phil

couldn't be bothered with. They were secondary [tasks] that she could do for him, and she would fill in all that kind of information that he could tap at any time on the things that he was not right on top of. Does that make sense in terms of the distinction there?

SONENSHEIN: Yes.

HARDY: I mean, she, I think, had confidence in me. There was no point of trying to outpsyche me or figure out what I was doing because they both had confidence in my integrity, my competence, et cetera. So she didn't bother with that. We were very good friends. She was a wonderful person and one of the real regrets that I had in terms of when she got ill, I was not. . . . I was actually ill myself at the time, so I couldn't go back and visit her at that time, but I wanted to see her before she passed on. It was just impossible. She was a very wonderful woman. Anything else you want to ask about?

SONENSHEIN: Yes, on the human side, the type of person that he [Burton] was. I mean, we know that he was a whirlwind, that he could assess people's political interest. Friendships, how did people respond to him personally as a human being? How did you respond to him just as a person?

HARDY: Well, anyone who is so totally absorbed in politics as he was is a very difficult person to relate to or love because

he had to do so many things to succeed politically that they might be disagreeable to have to do some of those things. But on the other hand, in that very nonhuman, you might say, inhuman reaction to politics, he had a very human side to him. If, for example, he found out some personal difficulty you were having, it was always in the back of his mind. He didn't constantly say. . . . It so happened in my case, it was one of my parents [who] was in a stage of dying. Well, once they found out that that was going on, every time they called, they would ask about my father and my mother. They were very much concerned about things that were important to me. But to a large extent they couldn't be absorbed in those things, they were involved in their own activities. But they had a very human concern about individuals that they loved and respected and were part of their team. They would do almost anything for you. But at the same time Phil could be especially harsh and inconsiderate in terms of things that he would demand.

SONENSHEIN: For example?

HARDY: Well, for example, you get into Washington at eight o'clock in the morning and he expects you to be ready to go at nine o'clock and work around the clock, and to immediately adjust to Washington time after you're on Pacific Coast

time. And where people would normally say, "Let's go home, let's do this another day," he would insist on push, push, push until there was no push left. He simply didn't recognize the pressure you were facing in terms of your own life or your own time frame. He was thinking only in terms of his time frame. And, basically, you were supposed to work for him and you were supposed to turn over everything to him. Sometimes he was not very considerate in terms of what he would demand of you. Sometimes I suspect it was partly to put you in your place and to make sure that you knew you were supposed to be working for him and not he working for you. And sometimes he would go to extremes in demanding things.

One case always comes to mind. He called me from Washington relative to some division of a census tract. He called me at my office at school and I didn't have the data. He said, "Well, we've got to know exactly the population in this census tract. We're going to draw the line down here at Vermont and how many people are on this side of the line?" And I said, "Well, I would estimate around 1,000," and he said, "We can't guess on something like this. We've got to have those exact figures." I said, "Well, I'm at school, I'll have to go home." I said, "I can go home in fifteen minutes and get the information

HARDY: and I will call you back." "Do," and he just hung up.

[Laughter] So I came home, I got the census tract map and I figured them up just by quickly adding them in my head because I didn't have an adding machine. So I picked up the phone and I called back, and I said, "Well, I was right. There are approximately 1,000." He said, "How much is the exact figure?" I said, "I didn't figure the exact figure, I just looked over the figures and figured them up quickly in my head and it came to approximately 1,000." He said, "We've got to have the exact figure." He says, "Give me the figures. I got an adding machine here." So I went through this census tract naming the population for each of the blocks that we were cutting off. I called off maybe twenty-five or thirty of them and I said, "That's it." And he said, "Oh." I said, "How much is it?" He says, "1,023." I said, "Well, I was pretty right, wasn't I?" He said, "Yes," and hung up. [Laughter] But that's the kind of little, well, I regard it as kind of petty little exercises. I don't know what he was proving to me, but anyway, he proved that he was boss and I gave him the information which in this case proved that I was a pretty good guesser. So he could be a lot of fun when he was relaxed, but he didn't have too much time to relax.

One story if you are interested in going into Phil Burton is a two-part series that was in the California

HARDY: magazine in '80-'81 on "The Boss." It was called, "Philip Burton." It goes into a lot of little personal stories of how he operated and things of that sort. It's one of the best that I ever read about him in terms of a human being and his capacity, his quality. I can't remember the name of the author, I think it's [Rian] Milan or something . . .

SONENSHEIN: I can look it up.

HARDY: He said that he thought that Phil exploded when he died. That he was so energetic and he got so emotionally involved and so excited that he just exploded inside and that's what killed him.

SONENSHEIN: Do you agree with that?

HARDY: I think that that's a pretty good analysis. He just drove himself. Of course, one of the real tragedies, I think, was that in the '81-'82 redistricting, he put in so much of himself into that, that he just drove himself to do the negotiations that we were talking about when we went into '80. But it created a situation in which the Republicans were furious at what he had done and they got Milton Marks, a popular San Francisco Republican, to run against him in this district that he had weakened in order to save his brother who decided not to run. So here was Phil in a more competitive district than he had for twenty years, forced to run a grass roots campaign because he refused to accept

money in traditional fashion. He drove himself to death in terms of going to all these meetings and reliving a political experience after twenty years of not doing anything. I mean, I shouldn't say not doing anything . . .

SONENSHEIN: But not having to worry.

HARDY: But not really having to worry. That was one of the reasons why he was such a masterful politician. He never lost touch with the grass roots. He was constantly serving his district. And he was respected in his district for that. But when you get into a competitive campaign, and remember he started out in the fifties. Now, in '82 he was faced with a modern media campaign which took advantage of all the sins of twenty years of political life and brought them to the fore in terms of TV and all the other stuff. It was just a new way of campaigning and he had to adjust to that. And I think it was a factor that ultimately killed him, because he died in April of '83, I believe.

SONENSHEIN: Maybe we should stop at this point.

[End Tape 5, Side B]

[Session 4, August 10, 1989]

[Begin Tape 6, Side A]

SONENSHEIN: Dr. Hardy, where we left off was the 1970s, and we had pretty much completed the discussion of reapportionment in the 1970s and we had decided we would go ahead to the 1980s all the way up to the present activities you're involved in, focusing on reapportionment from 1978 to about 1982 or so. We should probably start with 1978 when you were first again contacted by Phil Burton. Maybe you could talk about some of those circumstances.

HARDY: OK. The seventies, if you recall, we started about in '69 to prepare for '71. The courts rejected the plans, the governor refused the plans, there was then a '73 effort to modify the proposals. The Democrats came up with alternatives. Reagan vetoed the bills. It went to the courts. The courts drew the lines. Now, in that process that really was about a five year period of time, I was tired of redistricting and I was more interested in research than getting involved in the future. As a matter of fact, I often said to people in the seventies, "This is

my last redistricting." Probably about in '78, Congressman Burton contacted me. He said, "We're getting ready for '81. We need your assistance." I said I was very reluctant to do so because of my seventies experiences, that I would just as soon not be involved. One of the things you have to understand about Burton is that he had a tremendous ability to instill loyalty and to make you feel obligated to help him. And even though you were not interested in the assignment, he had a tremendous ability to pull you into the effort. And he insisted and I ultimately acquiesced.

At the same time in the late seventies, the Rose Institute was getting interested in their perspective on redistricting. I was invited to participate in some scholarly activities. I participated in conferences. I helped edit a book on redistricting, and I was veering more in the direction of research rather than participation. But Burton's insistence on my total involvement in the congressional plan made it impossible for me to serve in both a research position and [as a] practitioner. Ultimately, I had to follow his desires.

SONENSHEIN: Was he aware that you were in contact with the Rose Institute?

HARDY: Yes, as a matter of fact . . .

SONENSHEIN: Did he have any feelings about that?

HARDY: Well, he didn't say, "You can't do it," but on the other hand, knowing his perspective. . . . As a matter of fact, we had at least one session over at the Rose Institute in which [Alan] Heslop assured the congressman that he desired to have an equal congressional plan, one Democratic gain, one Republican gain. There was no reason why the congressional arrangement could not operate on one level while the state legislature fought their own battles on other levels.

Now, you also recall that in the seventies and eighties the [Howard] Berman-[Leo T.] McCarthy fight broke out over redistricting, although it was over other things. And that complicated the whole arrangement, it made it much more partisan than normally had been true in the past. Although obviously, from '70 on, ideological politics played a greater role in redistricting.

SONENSHEIN: More partisan because part of the struggle was over which Democrat would do a better job of preserving incumbent seats.

HARDY: That's right.

SONENSHEIN: So therefore, heightening the partisanship . . .

HARDY: And also the Republicans were becoming more conservative in orientation. If you recall in one of my articles I refer

to the camaraderie of the nonpartisan legislature which prevailed even down to the sixties, to the juncture when Unruh became a speaker and ultimately became a partisan speaker which forced the Republicans into a more partisan role. By the time you got to the early eighties, it was intense in terms of the right-wing Republicans versus the left-wing Democrats. You may recall that California Journal article in which they said, "The vanishing center." It's very true. The McCarthy-Berman thing only accelerated that antagonism, and you had some Democrats saying, "Well, if we don't play ball, we're going to be wiped out like [Jack R.] Fenton was wiped out in his assembly seat." And you had Republicans saying, "See what they plan to do." So it became more intensely partisan.

SONENSHEIN: This is in the legislature, not in Congress?

HARDY: Not in Congress. Well, not in Congress, but the congressional people were very much influenced by what was going on in the state legislature. And a lot of the congressmen that had got into the legislature with the court-ordered plans in the late seventies were very conservative. So the ideological problem was there as well. There was less reason for the Republican congressmen to cooperate with the Democratic congressmen in the eighties than there was in the seventies. It was already

beginning to divide up in the seventies, but remember, I said that when Burton and McFall and Smith were creating the settlements in '67 and '71, they were the products of a nonpartisan California legislature. They were old-timers compared to the new congressmen and state legislators that were coming in. By the time you got to the eighties, the Republican party in the state legislature was no longer the accommodating Republican party of the fifties and sixties.

SONENSHEIN: So there was a bit of a lag time for those guys to move up to Congress? But then, sooner or later, it pervades Congress as well as the legislature.

HARDY: Right. So it all became much more partisan and we launched into trying to figure out what could be done. Now, you may recall, I think it was in the paper I gave in Washington, D.C. . . .

SONENSHEIN: The '86 paper.

HARDY: That I went into the factors that were involved. Willie Brown ultimately became speaker. The Bermanites didn't like that; I suppose neither did the McCarthyites. But Willie was elected by the Republicans. He then had a choice to make: He could keep his alliance with the Republicans and apparently one of the agreements was that he would allow them to have equal money for the redistricting and the maintenance of their data, et

cetera. But how much further would he go in working with the Republicans? Did that involve him promising Republicans that he would protect Republicans as well as protect Democrats? And since you had this strong Bermanite aspect within the Democratic delegation, he had a real problem dealing with those people compared to a compromise between the Democrats and Republicans. So he had a choice: Do I continue to rely upon the Republicans, or do I prove myself to be a Democrat? My conclusion is that he decided that it was in his best interest to remain a Democrat and build a Democratic base.

Now, this ties in with the congressional because Burton lost the majority leadership by one vote in '78.

SONENSHEIN: Oh, that was '78. OK. I didn't know that.

HARDY: Therefore, he was anticipating that when [Thomas P. "Tip"] O'Neill, [Jr.], would go out, that he might be able to challenge Wright [for Speaker of the House].

SONENSHEIN: So he lost to [James] Jim Wright?

HARDY: He lost to Jim Wright in '78. He could either become the majority leader under Wright, or he could actually challenge Wright. By the way, at a later point you may want to get a copy of an article that I had privy to relative to that aspect of Burton's dealing with O'Neill and how all those issues were resolved. But Burton

conceived that he needed more Democratic congressmen in the legislature, and we had five seats coming up. If he could get a few more Democrats and if he could prove to the Democrats that had not supported him from California in '78 that he was a factor, he might gain more support for a future majority leader or speaker fight.

SONENSHEIN: Who didn't support him from California?

HARDY: Well, McFall was one of the other candidates, all of the San Joaquin Valley delegation, apparently, at that time: [Bernice F.] Sisk, Fazio, McFall, of course, McFall himself, and there was one other up there. [Justin Leroy] "Biz" Johnson was probably in that category. [Glenn M.] Anderson from the Los Angeles area did not support him. Interestingly, Anderson was the neighbor of Phil in Washington, D.C. I suspect that maybe [George E.] Danielson or Holifield, the more conservative Democrats may not have supported him.

SONENSHEIN: And presumably Burton had a long memory. [Laughter]

HARDY: Very long, very long. And that story is solidified in that article I referred to. So Burton wanted more Democrat congressmen loyal to Phil Burton. One of the ways that you become a leader in the legislature is to have it known that you are an expert in a field or that you have control over a situation. That leads other people to follow your

leadership. Burton conceived that his expertise in redistricting could be fortified by a coup in '81. Now, the other factor was Willie Brown was a product of San Francisco. My contention is that Phil Burton made him an assemblyman. He was very dependent upon Phil Burton. If I had a sense of loyalty to Phil, then as a politician, Willie Brown had a sense of loyalty.

SONENSHEIN: Even greater, though, because his career depended on him.

HARDY: Right. So here you had all of these factors, Willie trying to cement his speakership, Burton playing speaker on the national level, potentially. By the way, the week before his death, he is reported to have been talking about when should he challenge Wright for leadership. Should he take him on in the majority leadership struggle or wait until the speakership fight? That was a week before his death. I would say he was obsessed with that. At any rate, it was to his advantage to have a Democratic plan. He was also very closely connected with the Bermans. Ideologically they were fit to a tee. Sala was Jewish and Phil had always been loyal to Israel. That was a sine qua non of the Berman-Waxman operation. In addition, Alatorre, who deserted Brown, excuse me, deserted Berman to support Brown for the speakership, became the chairman of Elections and Reapportionment.

SONENSHEIN: This is for '81, not for '82?

HARDY: Yes, '81. And Alatorre was a very close friend of John Burton, Phil's brother. So there was all this interlocking relationship and that set up the ploy: Let's try to create a redistricting plan for all houses that are beneficial to the Democrats. And Burton went about it in his usual way. At that point, he devoted all of his time and energy to redistricting. That was his baby. Remember previously, I told you about the fact that he had these [other] issues that he would jump to.

SONENSHEIN: Right.

HARDY: But redistricting was the issue during '81, and he devoted his time and energy beyond belief. I think it probably affected his health.

SONENSHEIN: We skipped a bit of time here, from 1970. Do you mean for '81?

HARDY: For '81, yes. But in '81, it was a day-to-day operation.

SONENSHEIN: But between '78 and '81, this was really his priority?

HARDY: Yes. He, of course, could not anticipate the speaker's fight. As a matter of fact, I think he was shocked that Berman challenged McCarthy. But anyway, that all was background to what happened in '81. When it got to the actual operation, you had all of these background things playing a role in what would be organized. Now, my role

was primarily in relationship to Congress. As a matter of fact, I would say I had nothing to do with the assembly or the senatorial. I was consulted by the consultants of the respective houses, in terms of what I knew, how to go about these things, because basically, Professor Bruce Cain, was unfamiliar with a lot of the political realities. Rosen had had the experience in '71. He was on the senate side.

SONENSHEIN: Cain is on the assembly side?

HARDY: Cain was on the assembly side, Rosen was in the state senate. And Alan and I had a very good relationship, so he consulted me in terms of some of the issues and problems. But I was not involved in the state legislative seat. As a digression, I might point out to you that in terms of the current redistricting initiatives, I am listed as supporting one of them, which is not true, and I am listed as the person who was the author of all the state legislative districts in '81 and '82. That's not just congressional, but all the districts. That's not true. My role was strictly in terms of Congress.

Now, among the problems was how to protect John Burton. That was basically Phil's operation from San Francisco and it produced the monstrosity of that Sixth Congressional District. Then John Burton decided not to

run. After all this effort had been made, after Phil had jeopardized his position, his brother decided not to run for the seat. So that was one of the efforts. The other effort was to create districts for some of the Berman people who wanted to go to Congress.

SONENSHEIN: That was [Meldon E.] Mel Levine, for example.

HARDY: Levine was one, [Richard] Lehman was another up in the [San Joaquin] Valley. In terms of the north it was, "How do you create this Lehman district without jeopardizing the existing Democrats?" all of which were Democrats at that time except for the guy down in Kern. You had to take care of John Burton, you had to provide for Levine, excuse me, Lehman in Fresno. The only way you could create another Democratic district was in the south, outside of L.A., was in San Diego by concentrating the Democrats in San Diego. That ultimately became the [Jim] Bates seat. Now, when you get to L.A., if you had picked up the Lehman seat and the San Diego seat potentially, if you're going to get more Democrats, you had to do something in L.A. to get a place for Levine and ultimately a place for Berman, because in the process, Howard Berman decided to go to Congress. He had been defeated on the state legislative level, it was blocked there for various reasons. So he decided to go to Washington. Well, how do you create two new districts in an area of no growth? Los Angeles was growing, but in

relationship to the rest of the state, it had not grown sufficiently. So the only way that you could handle the L.A. area was by consolidating Republican districts, getting rid of two Republicans thereby creating two additional Democratic seats. The other factor that I forgot to mention is that you had to create another Hispanic district, that was another item on the agenda. Now, that is a very interesting game of politics. One person said it was the coup of the 1981 redistricting. I can't remember who it was. But, what had happened was in '71 the Hispanics were asking for another congressman.

SONENSHEIN: Right.

HARDY: Roybal was already a congressman. Danielson occupied a seat that normally would be Hispanic, but he was an incumbent and [it was] very difficult to replace an incumbent. Part of the strategy, however, was for Danielson to be appointed to the appellate courts. That would make his seat vacant. That occurred in '81; therefore, there was a special election at which time [Mathew G.] Martinez who was the person who had been pushed ahead by Berman to defeat Fenton, was the congressional candidate and won that seat. So, in effect, the Hispanics now had two seats rather than one.

SONENSHEIN: Without having to do a lot of elaborate redistricting because there was an existing seat.

HARDY: That's right. But the Hispanics wanted more, and the Rose Institute was pushing Latino representation. So part of the scenario was, well, in addition to just simply saying to the Hispanics, "You've got two now," as a result of Danielson being pushed off, "Let's give them a third seat." That was basically unknown to anyone. It was one of the best kept secrets in the whole operation. As a matter of fact, when we finally delivered the plan to Alatorre, he was pleasantly surprised. We told him that we were going to do it, but he didn't understand how we were going to do it. And if I can claim any credit for a congressional district in '81, it is that district. So Burton had created a new district in the east side by consolidating four Republicans into two districts.

SONENSHEIN: And thereby also getting revenge on the Republicans for trying to pluck away the Latino vote by saying, "Sure, we should get more seats, but it will come out of your pocket."

HARDY: Yes, and how could you argue against having more Latinos when the Rose Institute was pushing Latino representation? So it was a marvelous stroke and it also protected Alatorre, because Alatorre was under the gun to deliver for Latinos. He'd already delivered by the Danielson thing, and there was a struggle there, rather a question, at one point whether he would move to the Danielson seat and

challenge Martinez. But he decided to stay in the Roybal district, become the protector of Hispanics by providing this third seat. At the Latino conference that was held in June, Brown made a great effort to give Alatorre credit for the Latino district in '81, as well as the handling of the Latino problem.

SONENSHEIN: Whose district did that become?

HARDY: Torres, Esteban Torres, who, by the way, is a trade union leader who is closely connected with the union affiliation of Berman, Waxman, et cetera. So, in effect, the Berman-Waxman group picked up Martinez and Torres on the east side to supplement their west side clique. So you created one district for the Latinos by consolidating [Carlos] Moorhead and Rousselot, putting [Dave] Dreier and [Wayne] Grisham together. You concentrated the [Dan] Lungren district down in the south bay area to make it a solid Republican district for an incumbent Republican. And then there was still one seat to go. That was the seat for Berman. The solution there, since [Barry M.] Goldwater was going off to the U. S. Senate, was to put Fiedler in the Valley into the Goldwater district that went into Ventura, to put her home in the district, and to do everything to encourage her to move into the Goldwater seat. Then her district, in effect, was freed for Berman to create a new

congressional district in the old Fiedler district. At the same time they began to work on the [Robert K.] Dornan district to make it more liberal so that Levine could win that seat. So it was a very fine-tuned redistricting of the congressional districts, which I claim no credit for except for the Torres district and the perfecting of the Lungren district.

SONENSHEIN: Well, how were you involved? How did this work?

HARDY: We had sessions in which we talked about the possibilities
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SONENSHEIN: And Burton would tell you what he wanted done?

HARDY: Yes. He would tell me what he wanted. I had the general agenda of what was wanted. But I happen to have, in the last month, run across a map which I drew in which, basically, I outlined the strategy of how do you get three districts out of Los Angeles when you have no population gain. That pattern was followed almost to a tee. Now, the problem was, how do you implement it? Basically, it's my explanation that they gave me the assignment of the east side and the Long Beach area to keep me busy so that I didn't pay any attention to what was going on in the west side. And I wasn't interested in the west side anyway. I didn't have the expertise, so I really didn't care what they were going to do there. You may have noted in one of

my footnotes in one of the articles that I refer to myself in 1981 as an expert "on ice." Basically, what I meant by that is, you know, I had a lot of knowledge that could have been helpful in the state legislative seats, could have been useful in other parts of the state at a congressional seat. But I was given my own little assignment and it kept me busy. I had plenty to do, so I really wasn't worried about being "on ice." But by virtue of getting me out of the Rose Institute operation, by confining my attention to the east side and Long Beach, and then occasionally giving me little assignments like, clean up San Diego or something like that, Berman was able to handle the west side. And really between Berman and Burton, they could plan, and did, almost anything.

SONENSHEIN: So part of the goal was to keep you from working with Rose?

HARDY: Exactly. I think that was part of the agenda, plus the other factor was, although Phil had very good relationships with the Berman-Waxman organization, he was not entirely convinced that they would tell him the whole truth. One person says, well, I'm not sure, I shouldn't even say who it was, but one person said—it's a Republican—said that they suspected that I was Burton's spy in the Berman-Waxman organization because I had to be there in terms of these things that were being done. I didn't regard myself as a

spy. But if you look at it in hindsight, Burton was asking me, "What's going on?" or he was asking me, "What is your idea relative to this?" I like to think that he was tapping my expertise in terms of knowledge about redistricting rather than my being a spy. But that's for other people to decide.

Now, the congressional plan was basically organized by Burton and Berman, Michael Berman. The agreement was that the congressional plan would be presented to Alatorre and to [Daniel E.] Boatwright, the senatorial. They had so much to do in terms of their own assembly districts and senatorial, they couldn't be bothered with, "What are you doing on the congressional?" I think they were, in effect, glad to not have that problem and that bag of worms. So let Phil take care of it. And he did. And it was passed and it was approved and the governor signed it, and then we had the referendum, and you know it was defeated.

SONENSHEIN: That referendum was in '81?

HARDY: [In] '82.

SONENSHEIN: [In] '82, I'm sorry. In June of 1982.

HARDY: And then, of course, there were some court cases, again, court cases I was not involved in, although I was called to make depositions as to what I had done at certain stages. But I was not really involved in the court cases. The

Democrats contended that the districts, the referendum should have been not qualified because of skullduggery of some sort. The courts said they would have the referendum. They did and the plans were defeated. Now, the Democrats won control of the legislature, they lost the governorship. Therefore, the key was to get new bills before the outgoing [Governor Edmund G.] Jerry Brown, [Jr.], left. So in December you had this frantic effort to reorganize the districts, pass new bills, meet the objections of the referendum. You can look at the differences between the two plans to discover how much attention was paid to this. I didn't have much to do with that because on December 15, I quit. I simply said, "I do not want to have anything more to do. I am no longer a consultant to the congressional delegation."

SONENSHEIN: Why did you quit?

HARDY: Because I didn't like some of the things that were being done, in particular as it relates to the Thirty-eighth District, the Orange County district coming into Los Angeles, some of the results in the Forty-second Lungren District, and particularly what was done in the Thirty-second District, the Anderson district, that long necked one up to Downey and all of the negotiations that were involved there. I was not in on the negotiations

because I wasn't consulted. And certainly after the fifteenth when almost all these things happened, there was no reason for me to be there. But I was deeply impressed by the referendum. It was clear that the people thought the districts were bad and I, in hindsight, agree that most of them were bad. But if this is a democratic society, you have to pay attention to what the people say. Basically, what was done in December of 1982 totally violated any concept of democracy. The people's will had been totally rejected.

SONENSHEIN: And you felt that at the time, not so much in hindsight? You felt that right then?

HARDY: Yes, I felt that and that's why I got out on December 15, as well as some of the actions that were taking place. I just thought they were inappropriate.

SONENSHEIN: How did you go about resigning?

HARDY: I sent a letter to Burton, a copy is in some of the legal cases. I gave a deposition, gave copies of the letter to the deposition and things of that sort. And basically, that's all I said was, "As of December 15, I no longer regard myself as being a consultant to the congressional delegation. I wish you well."

SONENSHEIN: What did Burton do? Did he call you?

HARDY: He called me. We talked. He said, "I wish you wouldn't do this." I said, "Well, I made up my mind. I'm not going to

change my mind. I'm not going to work with the Berman-Waxman organization or any of the people that are involved." And the last time I spoke to Burton was probably, I think it was the twenty-ninth of December [1982] when the bill had finally been passed and he called and said, "I want to thank you for your longtime contribution."

SONENSHEIN: That was very gracious of him.

HARDY: There was no antagonism. He understood why I was doing it, so that's the way I terminated my relationship with redistricting.

SONENSHEIN: And Burton died several months later.

HARDY: Yes. I'll go into that in just a moment. I think the best way to do it is to go from there up to how I got back into redistricting and the Unruh problem.

SONENSHEIN: Great.

HARDY: Now, when I got through with the redistricting I was finished with redistricting. I wanted to do the monumental book that I'm still working on, which, by the way, is coming along greatly.

SONENSHEIN: Good.

HARDY: Phil died in April and, I guess, for lack of things to do, I got involved with some people that were trying to perfect some campaign techniques, et cetera, and registration

drives and things of that sort. One of the people involved in that was the son of Jesse Unruh, [Randall] Randy Unruh. And in the course of that, we had some sessions with Unruh himself. It was a very pleasant return to an old friend and association. I projected some things that could be done in terms of improving Democratic chances and things of that sort. Unruh at that time was primarily interested in providing a statistical or a data base that Democrats, particularly Democrats who were in marginal districts, could use effectively to retain their seats. This would be helpful to Brown and other friends in the legislature. I don't know the details of this, but I suspect it amounted to this: He had a lot of money available, and he wanted to provide some useful information for other people; therefore, he could sponsor a research activity or registration drive in which his sons would be involved. It would be helpful to them, it would be helpful to the Democratic party, and it would be his contribution.

Now, the reason why I think this is significant is that my break—if you can call it a break, it was not in any formal fashion—with Jesse Unruh occurred in '73-'74, excuse me, '63 and '64, after the '61 redistricting because I had been asked by Pat Brown to work on senatorial redistricting. I saw nothing inconsistent with serving a

HARDY: Democratic governor [and] a Democratic speaker. I didn't make the distinction. I didn't understand the antagonism between Brown and Unruh. Well, Unruh, in typical fashion, typical political fashion, believed that if you're not with me, you're against me. Therefore, since I was helping Pat Brown in a very limited period of time, I ultimately went on and helped Phil Burton who was a more definite enemy of Jesse's, I was just in the other camps. Therefore, I lost contact with Jesse. I don't think that there was any personal feeling about that, I was just an expert hired by other people rather than by him.

Well, when Phil was removed and my break was clear with Burton even before his death, then there was no reason why Jesse could not consult me as an expert. He did and we had some very good sessions on political strategy and I found myself much more attuned to his view of Democratic politics than I did to Phil's at the late stages of, you know, liberalism, Waxman-Berman agendas.

SONENSHEIN: Can you be more specific about how their visions differed?

HARDY: Well, basically, I guess one of the other things I didn't tell you, there are so many things in the articles and the clippings, et cetera, it's hard for me to remember what I told you. But during the '81 redistricting, as we were perfecting these lines and we were accommodating this and

that, I told Phil one day as he was saying, "Gee, this is going great. We're really going to do a great thing," and my snide remark on the side was, "And in the process, you're destroying the Democratic party." He said, "What do you mean by that?" I said, "You're creating these districts that are totally beholden to one interest group. You have your black districts, you have your Jewish districts, you have the Hispanic districts. No one is interested in the Democratic party which is a coalition party made up of all these groups. You are creating districts in which these people can totally ignore the national perspective, or the coalition perspective, and they can continue to be elected by being, by out blacking the blacks, out Hispanicizing the Hispanics, and so on. Who's going to be interested in the overall policy?" And I think that's the basic difference. Jesse was interested in the coalition and he understood that the various parts had to have their part of the pie, but that there was an overall strategy involved. And I was much more attuned to that, and I might say that I'm still attuned to that at the present time.

SONENSHEIN: That's very clear.

HARDY: Although when we get into this forthcoming initiative struggle, you're going to have talked with one of the,

purported to be, most dastardly, racist person imaginable. That is one of the ways that I'm going to be characterized in the forthcoming campaign. So I got back to working with Jesse and it was a very pleasant relation, and we reminisced about old times and friends and things of that sort. We were attuned in terms of what we wanted to do for the Democratic party. Now, you realize that at this time I went through a serious illness of my own. When I came out of that, redistricting was the least of my concerns. I wanted to do my book, but I was really not going to make my whole life writing that book. So I basically didn't pay much attention to redistricting between, let us say, '83 and '87.

In '87, however, I received a Christmas card from Alan Heslop. I had previously received a letter from him of concern over my health and wishing me well and expressing regret that our activities in '81 in different camps made it impossible for us to work together. And on that Christmas card he said, "Isn't it about time for us to write another book?" meaning something similar to that '81 volume reviewing the seventies. Why don't we do something on the eighties in anticipation of '91? Oh, much after Christmas I made a phone call and I said, "I don't know whether you were serious about this note or not, but if you

HARDY: are, maybe we ought to talk." And we did, I think in April of '88. You may also recall that about that time I was still involved with my battle with the CSU [California State University] system. And I said, "Well, give me until August and then I'll be ready to start redistricting." And in the latter part, the fall of '88 we began and, as I think you're familiar, we received a grant from the Haynes Foundation to study redistricting and come up with proposals and the action guidelines which you're also familiar with are the results of that little thing.

[Interruption]

Well, as you would gather from all that we've talked about before, Phil Burton was very instrumental in my life. He made me an expert, in effect, by relying upon my expertise, keeping me involved in the redistricting in various capacities. He could be a very difficult person to work with. He demanded everything of himself, and he expected anyone who worked for him to give equally in terms of the commitment to whatever was being done. He could demand figures that could not possibly be provided in days or in hours. I think I gave you the story about calling and wanting to know the precise population of some census tract which was totally unnecessary, but it proved the point. He was boss; you did what the boss wanted. His

HARDY: hopes were boundless. He wanted to be a good legislator; he ultimately wanted to be speaker, wanted to be majority leader; he wanted to be a leader in the legislature. And he was willing to give of his time and energy to make those things happen. It wasn't just, I believe in these things. If he believed in something, he would put his whole energy into it. He often said that he was a strategist, that he could figure out how to do things. That was his mastery of the legislative process. I agreed with that, but he also was an expert in the areas of his expertise. He deliberately made himself an expert, for whatever reasons he had. I think that relates, of course, to my own theory that legislators become leaders because other people become dependent upon them. They become dependent upon them because they have the factual information, or they are convinced that the person has expertise and they just simply follow along like sheep. Phil gave them every reason in the areas of his expertise to believe that he had the facts. And as I told you before, he hired consultants when it was crucial for him to be an expert. He picked their brains to the point of exhaustion, and he absorbed all that knowledge, and then he could use that on his fellow legislators. They couldn't possibly keep up with him. And in some cases, he didn't have the facts

HARDY: absolutely correct, but he had the aura of expertise that made what he said count. You probably have heard or read someplace along the way one of his favorite expressions. People would ask him, since they were so totally dependent on him for redistricting, "How's my district going?" They didn't know what was happening, but they had confidence that he would do right by them. And he would say, "You're in your mother's arms," and that answered it. They didn't say, "Well, give me the details." He just simply said, "Don't worry about the details. I'll take care of you. You're in your mother's arms."

I ran across an interesting little comment. One of the former legislators, I think it was John [T.] Knox of Contra Costa, said that Phil Burton had only three responses to the question, how's redistricting going or how's it affecting me. One, he would say, "You're in your mother's arms." Number two, "You're going to have to work a little, but it's possible. There's no reason for you not to be reelected if you work." And then the third alternative was—I won't use the four letter word, but—"You are blanked." And that basically meant you are being eliminated. That, of course, applied to Republicans because he had basically, although he disliked some Democrats, those who did not support him for the majority leadership, he still had . . .

[End Tape 6, Side A]

[Begin Tape 6, Side B]

SONENSHEIN: Would he directly, just walk up to these Republicans who were about to lose and really directly say, "I'm sorry, you are . . ."

HARDY: Well, the equivalent of that. As a matter of fact, there's one story, I think it's in the Quinn account of '81-'82 where he was on a river party on the Potomac with a delegation. There was some group sponsored some kind of a thing, all the California delegation was there. He went over to John Rousselot and just gave him holy hell and said, "You're going to pay for your dastardly deeds as a Republican!" Have you run across that?

SONENSHEIN: [Laughter] I just read that last night.

HARDY: Yes, he did that. But I'll put it this way, and I think this is indicative of the change that occurred between, let us say, the sixties and seventies and '81. In the seventies, he would not have done those things. Why he did, and maybe he was confident that he was, indeed, a leader at that point and he didn't have to tolerate anyone. But in the sixties and seventies, he could even deal with Republicans in a courteous way. I recall one case in, I think it was '71. As I told you before, we'd break up late at night after a big dinner and lots of

drinks and I would go home to my hotel room and he would be going out to do some politicking. One day he came back, maybe I told you this story previously, and I said, "What did you do last night?" He says, "You wouldn't believe what I did. I had to spend half the night dancing with the wife of this state senator," who was ideologically totally opposed. But he . . .

SONENSHEIN: He would do that.

HARDY: But in '81, he was through with this. So there had been a change in terms of his reaction or his method of operation. Well, another aspect of these things. . . . Although he would appear to be very brutal to his enemies, he could be very arrogant, inconsiderate, et cetera; he could be very, very kind, and considerate. The thing that impressed me was that during the '81 and '82 period, I was going through a personal period of great difficulty. My mother and father were both in the process of dying and I was going back and forth to Sacramento and Washington. I didn't say anything to either of the Burtons about my personal problems, but at one occasion I was asked to do something and I simply said I couldn't because of my mother's illness. And after I'd mentioned that, every time that I came to Washington, every time that I went to San Francisco, every time that we had a conversation, he would

always say, "How are your parents?" And he also said along the way, "If there's any problem you run into on this and you can't make it, you just let me know." So he was aware of the fact that he was very demanding and you'd think, "God, I can't possibly tell him no." But he was telling me that, you know, let me know and I will be very considerate. And then the other thing, as I mentioned before, his willingness to work endlessly. Going through some of the material on the '81 redistricting, I have pages and pages of figures that he wrote down, going through districts and writing the numbers down. Now, he could have hired a clerk to do that. He could have required me to do that. But we were both there working on the figures and checking one another and involved. He was totally committed to doing his part of the task.

SONENSHEIN: So this had to become his last great . . .

HARDY: Right, right. Now, that leads, of course, to how do you evaluate the '81-'82 redistricting? As I suggested to you, I've been preparing these monographs, had to give some serious thought to this whole matter, and reassess my view of the thing. I've come to this conclusion. Almost anytime that you hear about '81-'82, you hear the words Phil Burton. This has put Phil in a very bad light, part of which he deserved. But it also has not given us the

full picture of '81 and '82. Now, one of the reasons for the attention on '81, or I should say the emphasis on the '81, is concentrated on the congressional districts. Partly because some of them were just incredible! There were equally incredible assembly districts and senatorial, but from the press point of view, the national congressional picture is much more of interest. So the accounts emphasized congressional. And Phil didn't resist that because, again remember, he wanted to be known as a leader. He wanted to be the master so that people would follow his leadership. So he didn't object to the concentration on congressional, but it totally obliterated any analysis of the state legislature. I shouldn't say totally, but significantly. Then, [in] '82 they came through with pushing through the program again; congressional again comes back on the scene. Then within four months, he's dead. You have a funeral that has had few equals for a legislative leader. Two hundred and some members of the Congress, not just a delegation of five come to the funeral; but over two hundred came to the funeral, state leaders, both parties. I mean, he was a leader. Well, that revitalized the attention. Well, what did he do? Why was he a leader? And they started talking about the congressional districts again. Then, the Republicans

HARDY: challenged the districts on the congressional basis, and throughout the decade you're constantly seeing another congressional district come back. Who did it? Phil Burton. All of which detracts from the idea that we're talking about three different redistrictings: congressional, senatorial, and assembly. The state legislature and their districts got off with murder and no one paid any attention to them.

SONENSHEIN: To this day.

HARDY: To this day!

SONENSHEIN: And we can discuss the way . . .

HARDY: Yes, and there's one exception there. Now, the other thing that works, I think subconsciously, in this is, if we have attributed all the evil to this one man and he's dead, it conditions us to believe he won't be around to do it again. We don't have anything to worry about. What people forget is that Phil Burton had accomplices. I'm one of them. Most of them, however, are still bound to the party establishment. If I were a consultant to the assembly redistricting committee, I couldn't be saying the things I'm obviously saying now. And that doesn't necessarily mean that my position is right, I'm just simply saying that the effect of coverage of redistricting and its focus on the congressional has really distorted the problem that

we're dealing with. And as my friend Heslop says, "We are actually guilty of doing this same thing. When we use examples, we constantly are coming back to the congressional." Well, there are assembly districts and there are state senatorial districts that are just as atrocious. And we're going to correct that to some extent soon. But I think Phil Burton got a bum rap in terms of being blamed for all this. But it's very understandable in terms of his quest for notoriety, his quest for leadership, and it served the purposes of the other people in the background to let them focus on Phil, let him take the blame. No one asked, "What did you do in the operation?"

SONENSHEIN: It's as if it's the work of an evil genius who operated at one time.

HARDY: Yes. And now that he's eliminated, you have no problem. But we have the same problem because in '82 Phil had very little to do with the redistricting. I remember. November of '82 he went through the only significant, well, I shouldn't say only significant, a serious challenge in his congressional district.

SONENSHEIN: Of course.

HARDY: In his congressional district it was a tough battle. He was exhausted. Many times I went up to San Francisco during '82, he was just exhausted. And I think that had an

effect upon his death in April. But, not only was he exhausted, the state legislative leaders said, "Don't allow him to come to Sacramento." They didn't want him in Sacramento because he aggravated so many people and they resented his comments, most of which were correct, that they were bumpkins. They didn't like to hear that; they didn't want him around; they didn't want to provoke more of a struggle than they were going to have. So though he tinkered with some of the changes, particularly in the San Francisco area, the real changes were worked out by the Berman-Waxman organization. And as I said, I was not part of it after December, the middle of December in '82. So someone else had to do it. And they also had to realign the districts in the state senate and the assembly, and no one's paid any attention to that. Now, you mentioned that the story is still virtually unknown. I'm sure you're aware of the book, I don't know if you've read it, but Cain's book on The Reapportionment Puzzle does somewhat correct the lack of attention of the state legislative districts because he was a consultant and that was the thrust of his book. But it is very significant that the Cain book, which is now billed as the definitive study on redistricting, number one, doesn't go into congressional very much—for a good reason, he didn't have too much to do

HARDY: with it--but it is also significant that the Cain book ends in '81. It doesn't say anything about '82 and '82 is the reason that the flexibility in the redistricting process hasn't worked, because the districts were so finely tuned, and again emphasizing the congressional, in such a way to make it virtually impossible to challenge incumbents on both sides.

SONENSHEIN: So, for the sake of this interview, by the flexibility you mean the fact that in all the previous reapportionments there were sort of ingrown factors that corrected over time so that by the end of the decade, the original goals. . . . The guy leaves, he's not replaced or it's designed for one person, but then he can't hold the seat or whatever, but that the '81 would have been self-correcting to a greater degree than . . .

HARDY: Than '82.

SONENSHEIN: Eighty-two really was the first one to take the uncertainty out of it, the first one ever. And that was not done by Phil Burton.

HARDY: Right. Only one congressional seat has shifted since '82. There have probably been \$20 million spent on election campaigns by Democrats and Republicans. Only one congressional district has shifted.

SONENSHEIN: Is that Dornan . . .

HARDY: Dornan and [Jerry M.] Patterson. Now, on the senatorial level and on the assembly level, there have been battles, but they usually are confined to two or three out of the entire eighty or of the forty. You got into a noncompetitive situation. And when you get into the. . . . Well, as a matter of fact, that preview includes a section that you may want to, at a later point, read in which the ultimate results of all of this does not lead to alteration of the districts, but you wind up with districts in which, well, I can't find the section, but they basically become noncompetitive in nature. They also are dominated by ideological candidates of the left and the right. You have to have money in order to win seats, and the process has just declined to the point of nonparticipation. Why participate in a game that's not a game, if the decision is already over?

So the Cain book talks about the '81 but doesn't say anything about the '82. Now if you read the book, you have the impression that this is the full story. It's only half the story. The rest of the story is going to come out shortly. But the other thing is Cain's thesis of the book, or one of the theses I should say, is that redistricting takes care of itself so why worry about any of these dastardly districts? By ignoring the '82, which makes

impossible his thesis to be fulfilled, he hasn't told us the full story.

SONENSHEIN: Now is that what your book is going to do?

HARDY: Yes. We're going to point that out rather specifically. The book was written in '84, so he obviously was aware of '82's events, but he only told half the story. Now, as scholars, we both can appreciate the fact that you can't tell everything, but the way it has been billed as the definitive work is covering a lot that hasn't been covered.

SONENSHEIN: So your feelings about the '82 reapportionment are crucial to the future developments you undertook? That particular reapportionment is the one that did all kinds of things to your way of looking at this.

HARDY: I had already become disenchanted in '71. As a matter of fact, if you go back to '71 and if you look at some of the districts that were proposed that the courts ruled against because of the governor's veto, some of those are incredible. And to conceive that you go back with consultants that created those districts for '81, much less think about '91, is incredible. And '82 simply, in my mind, solidified my thinking. And fortunately, I'm now in a position with the Haynes grant to pursue an objective view which will not be labeled as objective because if you

criticize the status quo, you automatically are a critic, and the assertion is that you are not objective. But if there are reasons to criticize the status quo, it can be objective to criticize, and that's what these monographs that will be coming out shortly will go into. They will tell at least my perspective on the story.

SONENSHEIN: So in between when you quit with Phil Burton, December 15, 1982, you had a new plan adopted. Burton died, you had a rapprochement with Unruh, you became ill for awhile [and] were out of circulation. Should we move ahead then, back to where we were talking before about your phone call with Alan Heslop, or have we left out some important things that we need to go back to?

HARDY: No. The only thing I'll tell you, and I may have told you before, is something that occurred after my illness. This would have been in May of '84. I attended a research conference up in Berkeley and I was introduced as the "grandfather of redistricting." Did I tell you that story?

SONENSHEIN: Yes, you mentioned it.

HARDY: And my remark was the Republicans had tried to get rid of Phil and me by death, and I happened to have survived. I'm sure there are a lot of people, not just the Republicans, that regret that in terms of what we're going into now. But, we have now launched this study of redistricting which

is now labeled ACTION Guidelines standing for A Constructive Technique in Organizing Neutralization of Redistricting. The theme, it's a little wordy but, the theme is we've got to take action if we're going to correct the problems of representative government.

What are the problems of representative government? Well, they are reflected in the history of California redistricting in which, with Heslop who was a Republican consultant to the '71 redistricting and, not a consultant, but involved in the '81-'82 redistricting in California, combined with my '51, '61, '71, and '81. Here you have four decades of experience in which, as we say in the preview, we were part of the system. We know something about how it operates. We believe it shouldn't operate that way; therefore, we're trying to develop these guidelines. We basically think that you can take a lot of the politics out of redistricting. Now, in order to tell that story, you have to go into the '82 in considerable detail. And number three of the monographs will basically be a redo of that paper that you have only in much more detail. And the other thing is that it will have lots of maps that will help people understand the technical aspects that you can't verbally explain in any detail.

SONENSHEIN: Could you briefly explain, as you've explained to me without the tape recorder being on, the notion of setting

up districts with a random starting point, and just briefly in a way, in a nutshell, of how the system works?

HARDY: You want me to do it now?

SONENSHEIN: Sure.

HARDY: With the tape?

SONENSHEIN: Sure, let's do it on the tape.

HARDY: Well, basically, the idea and I think I can possibly illustrate it best by reference to one of these maps. You set up units of representation and you put them in a sequence. Now by studying the sequence, everything can be incorporated systematically. It so happens here we have a case of eighty-eight different units and let's assume each of these is a unit of representation. You start with one and if you started at one, you'd go one, two, three, four, five, until you got to the ideal population. If, for example, in looking at this, we were to assume that each one of these blocks had five thousand people, and you had eighty-eight districts, excuse me, eleven districts with eighty-eight units, you would go and you would do one, two, three, four, five, six, seven, eight. That would be a district. You would then, with nine, start one, two, three, four, five, six, seven, eight to eleven and you would create the districts systematically. You have to take in the whole unit before you move to the next unit.

You keep doing that until you come to the ideal population. Now, that's an oversimplification.

SONENSHEIN: For the purposes of the reader, let me just point out that we are looking at a map of districts and we are rotating. We are starting in a single point and then going roughly counterclockwise incorporating contiguous areas, whole areas. As we complete that, we then move on, again counterclockwise, and then it goes around in kind of a rotating fashion to incorporate the whole diagram.

HARDY: Now, your remark that it's counterclockwise is important because the way this begins is you have a lottery drawing a number, 1 to 88 in this hypothetical example, and whatever number you draw is the place you begin. You then flip a coin and say, "Am I going to go clockwise or counterclockwise?" Now in this 88 that you have here, that means that you have 176 possibilities, because you could start in any one of the 88, you could go counterclockwise

SONENSHEIN: You could go in either direction.

HARDY: So you make it neutral by virtue of having no control about where you start and no control about which way you go. Now, ultimately, that will create some districts that will be more favorable to one party or the other, but it was determined by chance, not by my looking at the Democratic

area and saying we're going to divide it up to accomplish this and this and this. I have no ability to decide [that] this goes this way or that way because it's sequenced and it begins by chance. Now, these units are designed to be compact, contiguous, and community oriented. There are provisions, however, that if cities are divided between the URs, UR standing for units of representation, or propagandawise, you are important. If the smaller portion of a city is another UR, it must be transferred to where the predominant city is located. That will tend to unify cities when possible. The same principle pertains to a city that has subcity units. You have to take each of the subcity units in sequence so that the entire city becomes incorporated in a district before you move on to the next. Or, to put it another way, you have to incorporate all of subcity one before you take subcity two and so on. This will tend to force the unification of compact districts. So the neutralization occurs as a result of units of representation that are compact and contiguous. They are sequenced. You begin the sequence by a lottery. You choose the direction by the flip of a coin. From there on, it's just working out the formula.

Of course, there are lots of arguments against this. The standard argument is [that] it is political. I mean,

HARDY: redistricting is political. There's nothing you can do about it. But if you think about that for just a moment, that is totally illogical because politics is based on the idea of change. And if you can't change redistricting, what can you change in politics? What politicians want you to believe is that it's political. We are the only ones qualified to define what is political and don't bother with our operation. And what happens when you get to the point that you can divide up counties and you have the technology that can get down to exactitude on a very fine level of voting behavior and division, you can create districts that make it impossible to be replaced. That has been well demonstrated between '82 and the present. The only way that you can bring new people into the process is to periodically break up those units, those districts. Now, if you let incumbents continually reorganize their districts to serve their purposes, they can stay on for a lifetime. They have legislators in California, and this is true in many other states, who have, in effect, become bureaucrats. They are tenured. There's nothing you can do to get rid of them, unless there's some scandal or they die. Otherwise, you're saddled with them. And the legislators have, in effect, become bureaucrats and they are not representative.

SONENSHEIN: Let me ask you a little bit about the partisan implications of all this. Would it be an understatement to say that the Democrats would be less enthusiastic about your plan than the Republicans at the present time?

HARDY: For two reasons. Number one, any status-quo group--it's Democrats in the legislature here in California; it would be Republicans, let's say, in some Republican state--they will be against any change. The other reason why the Democrats in California will be against it is because the party has become so dependent upon fiefdoms, that is to say, interest group districts, that they are not capable of running a statewide campaign. They are not capable of competing in non. . . . Or they're not able to compete in competitive districts. They can only survive. They are so used to the bureaucratic operation of the current campaigns that they don't know what it is to wage battle. Now, as you know, as a lifelong Democrat, how can I advocate something like this which, initially, I think with almost certainty, will produce more Republicans. My answer is this: I don't think the Republicans are any more capable of competition than the Democrats. Initially, I think the Republicans are going to gain. But since they are bogged down with the same bureaucratic party operation, I don't think they will be able to deliver in terms of public

policy. Therefore, they will lose to Democrats in short order.

[Interruption]

SONENSHEIN: The short-term problem would be facing the Democrats. You began to say what would happen to the Republicans.

HARDY: Yes, I think initially the Democrats would be at considerable disadvantage because they are used to the existing mode of noncompetition, except in those districts that are competitive, of which there are about three in each house. When you upset the whole thing, the Republicans are going to wind up with more districts that they can be competitive in. They probably will win a majority in both houses, but the nature of the problems that the state is facing are such that if they don't deliver, they will be rejected in two or four years. So in the long term, it's going to be to the Democrats' advantage, if they adjust to the situation. Now, if they perpetuate what they have done on the national level, and lost the last three presidential elections, then they won't do much good one way or the other. But if that continues, it doesn't make any difference what you do in terms of redistricting.

SONENSHEIN: Have you had any contact of a personal nature with Democratic leaders since you've become active in this project, and some characterization of how that's been going?

HARDY: No. And for what reason, I'm not too sure. But it probably relates to my running battle with the CSU system. And during that struggle, I had some contact with the Democrats and had some support and some assistance, and they may have thought, as a result of that, that's all they had to do. But they didn't solve the problem, because the CSU system is as bad off as it was when it had [Stephen] Horn [former president of California State University, Long Beach] over here. But, and this, of course, I think, is what's going to come out in the character assassination that will be directed toward me as soon as this preview comes out, and basically what's going to be said, "Well, you can't satisfy Hardy. He's always complaining about something." And that may be a very legitimate position to take. On the other hand, if I have something to complain about and I can't get the government to do something about it, I think that's a legitimate complaint.

SONENSHEIN: Do you feel nervous about being on the outs from your old allies in the Democratic party, at least for awhile?

HARDY: No, I don't feel any difficulty with that. I mean, the two that I had close personal ties with are both dead. Of course, when you launch into any kind of reform or demand for change, you have to, in effect, be an outsider, because if you try to go along to get along, you ultimately are

saddled with the same system. This may seem to be an exaggeration but, basically, I have come to believe that one of the basic difficulties with government is the problem of bureaucracy. Almost anyplace that you turn, you run into this organizational dilemma of people who have authority who lose sight of the functions that they are supposed to perform. And as you've heard me diatribe in terms of the CSU system, it's supposed to be an institution to educate students and it's not educating students! It's for the survival of the incumbent presidents and deans and so on. We have the same problem going on in terms of the legislature. You're supposed to be representative, but the only concern the legislators manifest in terms of what they did in '82 was, "Preserve me, the legislator. To hell with representation." And once you get yourself into a bureaucratic situation where you don't have to deal with people, then why not just take a bureaucratic view if you have the money to support it?

This, of course, ties into a much larger issue and the reason why I think that we are basically in the position we are today. Legislators are among the most informed people, potentially the most informed people, in the society, more so than academic people. They know the issues and the problems. But if they don't go to the people and explain

HARDY: those problems to the people, there is a tremendous communication lag between what is going on in government and what the people think is going on in government. There's no communication, there's no transmission belt going between the legislators and the people. And, I think we've been going through that for twenty-five years, and we are now reaching the point that the problems are so enormous that we cannot avoid some change. I'm not saying that redistricting is the panacea. I am saying, however, that redistricting will shake up the system to force some adjustments, hopefully for the better.

SONENSHEIN: Do you think the Republicans you're dealing with see it that way? Or do you think they're seeing more the short-term advantages that are likely to accrue to the party?

HARDY: No. Although, I must say that I. . . . I wouldn't say that's 100 percent the view. As a matter of fact, it's significant that the Democrats have already last month had a big conference. I think there were about 100 of them [who] met down in Dana Point to discuss, "What should we do about redistricting?" And without preview of this, they apparently think it can be handled the way it was previously. They defeated several commission plans. Willie Brown is advocating, well, we shall fight all the initiatives, we'll say we are for fair redistricting. And

because we're fair, the other people are partisan Republican, we will win. Now there are apparently, however, a group of legislators or leaders, [John] Vasconcellos, I think, is one of them, who said, "The Democrats have to get on the bandwagon of reform." The people are on the verge of an upheaval. They want reform. And simply by saying, "You've got good government now," is hypocrisy in terms of the ludicrous examples that we have. You can't win that way. Now, that's the way the bureaucrats, legislative bureaucrats, think. Willie Brown: "I've been elected for over twenty-five years by the same old thing, why not do it again?" But what the politicians don't recognize in Sacramento, and more so in Washington, is that down there on the local level, people are stirring. There is a mood for reform and the question is, "Who's going to do it?" not "How can we prevent it?" Now a status-quo organization, which in this state happens to be the Democratic legislature, doesn't recognize that. I mean, they simply don't know what's going on down there on the local level. Are we still on tape?

SONENSHEIN: Yes. Do you want me to stop it?

HARDY: Well, maybe you should stop it. I'll tell you how it's going to work out.

[End Tape 6, Side B]

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